

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT
SRINAGAR

Reserved on: 16.07.2026
Pronounced on: 24.07.2026
Uploaded on: 24.07.2026
Whether the operative part or full
judgment is pronounced: Full

HCP No. 266/2025

Naseer Ahmad Naikoo

....Petitioner

Through: Mr Zamir Abdullah and Mr Zahir Abdullah, Advocates

v.

UT of J&K and others

...Respondents

Through: Mr Faheem Nisar Shah, Government Advocate

CORAM

HON'BLE MS JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

JUDGMENT

01) Through the medium of present petition, the petitioner has challenged detention order bearing No. 21-DMK/PSA of 2025 dated 14.07.2025, issued by District Magistrate, Kupwara, whereby the detenue, namely, Naseer Ahmad Naikoo S/o Ghulam Din Naikoo R/o Diver Anderbugh, Kupwara, has been placed under preventive detention so as to prevent him from indulging in the activities which are detrimental to the security of the State.

02) It has been contended that there has been non application of mind on the part of the detaining authority as the said authority has acted mechanically while issuing the impugned order of detention by relying solely upon FIR No. 09/2024, u/s 7/25 Arms Act, 13, 18, 19, 20, 23, 38 & 39 of the UAP Act, of Police Station Lalpora, in which the petitioner was already discharged by the concerned court. It has been contended that the detention of the petitioner constitutes an unjustified restriction on his fundamental right to life and personal liberty guaranteed under Article 22 of the Constitution. It has been averred that the allegations mentioned in

the grounds of detention have no nexus with the detainee and that the same have been fabricated by the police in order to justify its illegal action of detaining the detainee. It has been contended that grounds of detention are vague and non-existent, on the basis of which no prudent man can make an effective representation. It has been further contended that there were no compelling reasons for the detaining authority to issue the impugned order of detention. It has also been contended that the procedural safeguards have not been complied with, in the instant case, inasmuch as entire material, which formed basis of the impugned detention order, has not been supplied to the petitioner.

03) The respondents, in their counter affidavit, have contended that the impugned detention order has been passed after proper application of mind. It has been further contended that none of the rights of the petitioner has been violated by the respondents. It has been averred that the petitioner was involved in the activities which are detrimental to the security of the State and the same has been confirmed and verified by the detaining authority before passing the impugned order of detention. It has been averred that entire material, relied upon by the detaining authority while passing the impugned detention order, has been furnished to the detainee and the contents of the same were read over and explained to him.

04) It has been further contended that the detainee was informed that he can make a representation to the government as well as to the detaining authority against his detention. It has been averred in the reply affidavit that all statutory requirements and constitutional guarantees have been fulfilled and complied with by the detaining authority and that the order has been issued validly and legally. It has also been contended that the detention of the detainee has been ordered strictly in accordance with the provisions of J&K Public Safety Act. The respondents have

produced the detention record to lend support to the stand taken in the counter affidavit. Learned counsel for the respondents has relied upon the judgments of this Court delivered in the cases of detainees involved in similar FIR titled *Mohammad Shafi Naikoo v. UT of J&K and Another*, HCP no. 330/2025 decided on 17.07.2026 and *Ashiq Hussain Naikoo v. UT of J&K and anr.* HCP no. 257/2025 decided on 06.06.2026, whereby the petitions challenging detentions have been dismissed.

05) I have heard learned counsel for the parties and perused record of the case.

06) Although the petitioner has urged a number of grounds in the writ petition, for assailing the impugned order of detention, however, during the course of arguments, learned counsel for the petitioner has laid emphasis on the grounds:

(I) That there has been non-application of mind on the part of the detaining authority in passing the impugned order of detention, inasmuch as there is no mention of discharge of the petitioner in the challan arising out of FIR No. 09/2024 of Police Station, Lalpora;

(II) That no fresh activity has been attributed to the petitioner after his discharge in FIR No.09/2024;

(III) That there were no compelling reasons for the detaining authority to pass the impugned order of detention.

07) If we have a look at the grounds of detention, it is clearly mentioned that the detainee was challaned on 10.09.2024 before the NIA Court, Kupwara, in connection with case FIR No. 09 of 2024 of Police Station, Lalpora, whereafter he has been discharged. It has also been mentioned that the order of discharge has been assailed by the respondents before this Court. Thus, the detaining authority has given vivid details about the order of discharge. Thus, the contention of the petitioner that there has been non-application of mind on the part of the detaining authority is without any substance.

08) Insofar as the contention that no fresh activity has been attributed to the petitioner after his release from the custody in FIR No. 09 of 2024 is concerned, it is stated that, in the grounds of detention, it is categorically mentioned that as per recent reports received from field agencies, the petitioner is still indulging in subversive activities and he has a strong association with banned terrorist organization LeT/HM. The respondents have collected reports from field agencies to that effect, which form part of the detention record. Copies of these reports have been provided to the petitioner along with other material on the basis of which grounds of detention have been formulated. Thus, there was sufficient material on record before the detaining authority to conclude that even after his release in the criminal case, the petitioner continued to indulge in subversive activities which are substantiated by the field reports forming part of the detention record. The contention of the petitioner, therefore, is without any substance.

09) It has been contended that there were no compelling reasons for the detaining authority to pass the impugned order of detention. It is to be noted that after release of the petitioner pursuant to his discharge in case FIR No. 09/2024, he continued to indulge in subversive activities which is clear from a perusal of the grounds of detention supported by intelligence inputs. Therefore, the detaining authority had no option but to pass a detention order against the petitioner so as to prevent him from indulging in subversive activities pursuant to his release in the criminal case. Moreover, it needs to be emphasized here that the judgments of this Court referred to by the learned counsel for the respondents, by virtue of which the habeas corpus petitions preferred by the other two accused of the similar FIR as that of the petitioner in hand, though having little dissimilarity of facts, have been dismissed by the two different coordinate benches of this Court by taking into account the inputs of the field agencies as regards their continued subversive activities. The petitioner in the instant

case is similarly placed insofar as such inputs of the field agencies are concerned, therefore, the instant petition also ends with the same conclusion.

10) In view of above, I do not find any ground to interfere with the impugned order of detention. The petition, as such, being without merit, is dismissed.

11) The detention record be returned to learned counsel for the respondents.

(Moksha Khajuria Kazmi)
Judge

Srinagar
24.07.2026
Mohammad Yaseen Dar,PS

Whether the judgment is reportable: No

