

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

HCP No. 284/2025

Pronounced on: 02.07.2026

Zubair Ahmad Bhat Alias Raj Kotur
through his Wife Fahmeeda

...Petitioner(s)

Through: Mr. Sheikh Mushtaq, Advocate

Vs.

Union Territory of J&K and Ors.

...Respondent(s)

Through: Mr. Waseem Gull, GA vice
Mr. Mohsin S. Qadri, Sr. AAG

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

JUDGMENT

- 1.** Heard learned counsel for the petitioner as well as learned counsel for the respondents.
- 2.** Perused the writ pleadings and documents annexed therewith.
- 3.** The petitioner-Zubair Ahmad Bhat, acting through his wife-Fahmeeda, has come forward with present writ petition instituted on **26.08.2025** thereby seeking quashment of his preventive detention custody

reflected by virtue of an Order No. DMS/PSA/36/2025 dated **25.07.2025** of the respondent No.2-District Magistrate, Srinagar passed under J&K Public Safety Act, 1978.

4. The petitioner was led to suffer preventive detention custody on account of a course of action at the end of the Senior Superintendent of Police (SSP), Srinagar by framing of a dossier to accompany his letter No. LGL/Det/PSA/2025/21229-32 dated **28.06.2025** to reach the respondent No. 2-District Magistrate, Srinagar, thereby seeking the petitioner's preventive detention in order to prevent him from indulging in activities prejudicial to the maintenance of Public Order which came to be obliged by the respondent No.2-District Magistrate, Srinagar by issuance of the aforesaid detention order on the grounds of detention as formulated identifying the petitioner without any criminal antecedents but bound down under sections 107/151 Cr.PC and sections 126/170 BNSS on a number of occasions besides his

name being diarized in the Beat Book of concerned Police Station on **19.06.2025** and **22.06.2025**.

5. The petitioner has come to assail his preventive detention on the grounds set out in para 6 (a-k).

6. The petitioner came to be apprehended on **29.07.2025** for serving one year detention period which is approaching its expiry at the time of hearing of this petition.

7. This Court finds the petitioner's preventive detention seriously flawed for the very simple reason that if the state of petitioner being in his personal liberty was so adverse to the maintenance of Public Order, then there was no reason whatsoever on the part of respondent No.2-District Magistrate, Srinagar to act at his leisure and take almost one month in sparing time for consideration of the dossier of Senior Superintendent of Police (SSP), Srinagar and then pass detention order on **25.07.2025** by which time reference, it was not bothering the Senior Superintendent of Police (SSP), Srinagar and also the respondent No.2-District Magistrate, Srinagar that

time was of essence in subjecting the petitioner to preventive detention custody in order to prevent him from further indulging in activities prejudicial to the maintenance of public order by being in continuous state of personal liberty.

8. Accordingly, the detention order No. DMS/PSA/36/2025 dated **25.07.2025**, is an outcome of illegal exercise of jurisdiction on the part of the respondent No.2-District Magistrate, Srinagar, which warrants to be and is quashed along with approval/confirmation/extension order(s) passed by the respondent No.1 which are also hereby quashed. As a consequence, the petitioner is directed to be restored to his personal liberty by his release from the concerned Jail wherever he is kept detained, for which purpose the Superintendent of the concerned Jail to release the petitioner forthwith.

(RAHUL BHARTI)
JUDGE

SRINAGAR:
02.07.2026
"Manzoor"

Whether the judgment is speaking	:	Yes / No
Whether the judgment is reportable	:	Yes / No