

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

Reserved on: 02.07.2026

Pronounced on: 17.07.2026

Uploaded on: 17.07.2025

*Whether the operative part or
full judgment is pronounced:*

Full

HCP No.340/2024

OWAIS MUNEEER BHAT

...PETITIONER(S)/APPELLANT(S)

Through: - Mr. Wajid Haseeb, Advocate.

Vs.

UT OF J&K & ANOTHER

...RESPONDENT(S)

Through: - Ms. Maha Majeed, Assisting Counsel.

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

JUDGMENT

1) Through the medium of present petition, the petitioner has challenged detention order bearing No.DMS/PSA/26/2024 dated 05.10.2024, issued by District Magistrate, Srinagar, whereby the detenue, namely, **Owais Muneer Bhat**, has been placed under preventive detention so as to prevent him from indulging in the activities which are prejudicial to the security of the State.

2) It has been contended that the that the allegations mentioned in the grounds of detention have no nexus with the detenue and that the same have been fabricated by the police in order to justify its illegal action of detaining the detenue. 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 contended that the last alleged activity attributed to the detainee as per the grounds of detention has taken place in the year 2017 and thereafter no fresh activity has been attributed to him, as such, there is a delay of six years between the last alleged activity and the order of detention and this delay has snapped the proximity of the alleged activity and the order of detention. It has also been contended that the procedural safeguards have not been complied with in the instant case, inasmuch as whole of the material which formed basis of the impugned detention order has not been supplied to the petitioner and that the representation filed by the petitioner against his detention has not been considered well in time.

3) The respondents, in their counter affidavit, have contended that the impugned detention order has been passed after proper application of mind and the same is based on reasonable prediction of future behaviour considering the petitioner's past conduct in the light of surrounding circumstances. It has been further contended that the detainee has been found misusing his liberty repeatedly by indulging in activities which are highly prejudicial to the security of the State. It has been averred that that whole of the material relied

upon by the detaining authority while passing the impugned detention order has been furnished to the detenue and contents of the same were read over and explained to him. It has been further contended that the detenue was informed that he can make a representation to the government as well as to the detaining authority against his detention. It has been further averred that 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 detenue 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.

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

5) Although the petitioner has urged a number of grounds in the writ petition, yet during the course of arguments, learned counsel for the petitioner has laid much emphasis on the following grounds:

- (I) That the earlier detention order issued against the petitioner on the basis of the FIRs which are subject matter of the impugned detention order, was quashed by this Court and thereafter no fresh activity prejudicial to the security of the State has been attributed to the petitioner.

- (II) That the representation made by the petitioner against the impugned order of detention has not been considered by the respondents and even if the same has been considered, there has been a considerable delay in considering the same.
- (III) That whole of the material forming basis of the grounds of detention has not been furnished to the petitioner.

6 In the context of first ground of challenge, a perusal of the grounds of detention would reveal that the petitioner was initially taken into custody in connection with case FIR No.51/2017 of Police Station, Nowhatta. After his release on bail in the said case, the petitioner was taken into preventive custody in terms of detention order No. DMS/PSA/37/2022 dated 09.04.2022. The said order of detention came to be quashed by this Court on 02.05.2023 passed in WP(Crl) No.534/2022. Thereafter, another detention order bearing No.DMS/PSA/59/2023 dated 14.06.2023 was issued by the District Magistrate and the petitioner was taken into preventive custody. The said order also came to be quashed by this Court in terms of judgment dated 17.05.2024 passed in WP(Crl) No.260/2023. The grounds of detention further provide that after the quashment of previous detention order dated 14.06.2023 by this Court, the petitioner continued to indulge in anti-national activities and developed contacts with secessionist elements for carrying out and implementing the evil designs once again. It had been specifically stated that as per

the technical intelligence and credible inputs received from sensitive sources, the petitioner has again contacted Pak-based TRF handler Ahmad Khalid through an encrypted messenger application and he has been instructed to recruit fresh module of young boys to undertake terrorist activities.

7) Thus, there is a specific allegation against the petitioner that even after the quashment of the second detention order, he has been indulging in activities which are prejudicial to the security of the State, inasmuch as he has contacted a Pak-based TRF handler whose name is clearly mentioned in the grounds of detention. In this view of the matter, the contention of learned counsel for petitioner that there is no fresh activity attributed to petitioner after his release from earlier preventive detention, is contrary to the records as such, the same does not hold any merit.

8) So far as the second ground of challenge projected by learned counsel for petitioner is concerned, it appears that the petitioner had made a representation before the District Magistrate, Srinagar, on 09.10.2024. The detention record reveals that the representation of the petitioner was placed before the Advisory Board on 22.10.2024 and on the basis of the opinion rendered by the Advisory Board, the representation has been rejected by the Government and the same has been conveyed to the petitioner in terms of communication dated

28.10.2024. Thus, there has been no delay on the part of the respondents in considering the representation of the petitioner against the impugned order of detention. The contention of learned counsel for the petitioner is, therefore, without any substance.

9) Lastly, it has been argued that the petitioner has not been provided whole of the material forming basis of the ground of detention. In this regard, a perusal of the detention record would reveal that the petitioner has received 37 leaves comprising detention order (01 leaf), notice of detention (01 leaf), grounds of detention (03 leaves), dossier (06 leaves) and other allied documents (26 leaves). These documents include the copies of FIR Nos.51/2017 and 52/2017 of P/S Nowhatta, which find mention in the grounds of detention. Thus, it cannot be stated that petitioner has not been provided with whole of the material that formed basis of the grounds of detention.

10) For the foregoing reasons, I do not find any ground to interfere with the impugned order of detention. The petition lacks merit and is dismissed accordingly.

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

(Sanjay Dhar)
Judge

Srinagar

17.07.2026

“Bhat Altaf-Secretary”

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