

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

HCP No. 364/2024

Pronounced on: 06.08.2026

Danish Rahim Mir

...Petitioner(s)

Through: Mr. Wajid Mohammad Haseeb, Advocate

Vs.

Union Territory of J&K and Ors.

...Respondent(s)

Through: None

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

JUDGMENT

1. Heard learned counsel for the petitioner.
2. Perused the writ pleadings and the documents annexed therewith.
3. The petitioner is a detenu in custody under the J&K Public Safety Act, 1978 and is seeking through the medium of this habeas corpus petition restoration of his personal liberty by release from preventive

detention custody while being lodged in Special Jail (Correctional Home), Pulwama.

4. The institution of this habeas corpus petition has taken place through brother-Rameez Ahmad Mir of the petitioner-Danish Rahim Mir.

5. The respondent No.3-Senior Superintendent of Police (SSP), Srinagar forwarded a dossier, vide his letter No. **LGL/Det/2024/26349-52** dated **07.10.2024**, for the consideration of the respondent No.2-District Magistrate, Srinagar thereby profiling and projecting the petitioner in terms of his alleged state of activities to be a case to be subjected to preventive detention custody in order to prevent him from acting in a manner prejudicial to the maintenance of security of the State.

6. On the basis of said dossier, the respondent No.2-District Magistrate, Srinagar came to formulate the grounds of detention in which he came to refer to the petitioner as a person deeply influenced by radical ideology from an early age and coming into contact with active terrorists and OGWs of TRF, motivating

him to work for the outfit as an Over Ground Worker for providing logistic support which actually left the petitioner motivated and working for the banned outfit TRF by sharing sensitive information regarding the movement of police and security forces in the area. The petitioner is said to have an evil ideology of fomenting trouble, posing a threat to the security of the Union Territory of Jammu and Kashmir. The petitioner is said to have formed a gang with other anti-national elements bearing an aim and objective to threaten the security of the State.

7. The criminal antecedents of the petitioner came to be highlighted by reference to **FIR Nos. 51/2017** and **52 of 2017** of Police Station, Nowhatta.

8. In addition, the petitioner has been referred to be allegedly involved in an incident of intervening night of 22nd and 23rd of June 2017, instigating mob to the point of leading to a fatal attack on a **Dy. SP rank Officer** who is said to have been lynched around the Jamia Masjid area on the eve of Shab-e-Qadir.

9. The petitioner is said to have been subjected to preventive detention custody even in September 2022 by reference to his alleged state of activities and despite suffering his preventive detention custody of two years under Detention Order No. **DMS/PSA/111/2022** dated **08.09.2022**, the petitioner is said to have continued with his tendencies and indulgences which are again posing an imminent threat to the security of the State.

10. On the aforesaid basis drawn from the grounds of detention, the respondent No.2-District Magistrate, Srinagar passed a detention Order No. **DMS/PSA/27/2024** dated **11.10.2024** directing thereby the petitioner's preventive detention in order to prevent him from acting in a manner prejudicial to the security of the State, and that led to the arrest and detention of the petitioner taking place on **16.10.2024**, whereafter the petitioner came to be confined to the concerned jail to serve the detention period which came to be approved, confirmed and extended from time to time.

11. The petitioner has come up assailing the detention on a number of grounds as set out in para 3 (i) to (xvi).

12. The petitioner alleges that the grounds of detention have no nexus with the petitioner and have been fabricated in order to justify the preventive detention of the petitioner in succession. The petitioner alleges that the grounds of detention are vague and non-existent by reference to which he could not make any effective representation thereby compromising his constitutional right. The petitioner is highlighting his previous detention effected by reference to the same set of circumstances in the year 2022.

13. The petitioner also refers to the fact of he being on bail by reference to the ongoing criminal cases against him.

14. The petitioner submits that he was not given the entire material on the basis whereof detention came to be ordered by the respondent No.2-District Magistrate, Srinagar. The petitioner refers himself to

be a non-English-knowing person and, as such, could not acquaint himself with the documents related to his detention, all of which being in English.

15. The petitioner submits that post his detention on the basis of material whatsoever available at his disposal, he came to make a representation which has remained unanswered.

16. On the other hand, the respondent No.2-District Magistrate, Srinagar in his counter affidavit has come forward defending the preventive detention of the petitioner by reference to his past antecedents and present activities. The respondent No.2-District Magistrate, Srinagar in his counter affidavit mentions about the confirmation of the petitioner's detention by virtue of Government Order No. **Home/PB-V/2149 of 2024** dated **12.11.2025** which obviously bears a wrong date as it must be **12.11.2024**.

17. With respect to the consideration of the representation submitted from the end of the petitioner, it is stated in the counter affidavit that the petitioner, through his family, came to be apprised of

the fate of his representation in terms of a communication dated **12.12.2024** addressed to the respondent No.3-Senior Superintendent of Police (SSP), Srinagar.

18. In the light of aforesaid facts and circumstance, this Court upon examining the grounds of detention, comes to the conclusion that the respondent No.2-District Magistrate, Srinagar at the first instance and the Union Territory of Jammu and Kashmir later, cannot be faulted in ordering, approving and confirming the preventive detention of the petitioner and by drawing a very credible inference that the petitioner, by his past antecedents, is presently a very elusive Over Ground Worker (OGW) having a significant influence over the disgruntled elements which can be motivated by him and /are intended to be motivated by him to resort to activities detrimental to the security of the State. The grounds of detention refer to technical intelligence and credible inputs to the extent that the petitioner is in a state of contact with a TRF handler Ahmad Khalid. The petitioner's

reported participation in mob lynching of a police officer is too serious an act to loose its ramifications by passage of time.

19. This Court cannot substitute base of apprehension at the disposal of the Senior Superintendent of Police (SSP), Srinagar acted upon and responded to by the respondent No.2-District Magistrate, Srinagar in subjecting the petitioner to preventive detention custody.

20. In the light of the aforesaid, this Court finds no reason to upset the preventive detention of the petitioner and, therefore, this habeas corpus petition is **dismissed.**

(RAHUL BHARTI)
JUDGE

SRINAGAR:

06.08.2026

"Manzoor"

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