

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

HCP No. 326/2025

Pronounced on: 27.08.2026

Altaf Ahmad Dar @ Altaf Sahil

...Petitioner(s)

Through: Ms. Nida Nazir, Advocate

Vs.

Union Territory of J&K and Ors.

...Respondent(s)

Through: Ms. Maha Majeed, Assisting Counsel 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 the documents annexed therewith. Also examined the detention record produced from the end of the respondents relating to the petitioner's detention.
3. From the confines of the District Jail, Poonch, the petitioner-Altaf Ahmad Dar alias Altaf Sahil, acting through his wife Razia Sultan, came to petition this

court with present writ petition filed on **11.11.2025** for the sake of seeking restoration of his personal liberty and consequent release from the preventive detention custody being suffered by him under J&K Public Safety Act, 1978 by an order passed by the respondent No.2-District Magistrate, Srinagar.

4. The purported factual backdrop which led to the petitioner being placed in preventive detention custody is that the Senior Superintendent of Police, (SSP), Srinagar purportedly documented the alleged activities of the petitioner reckoned to be prejudicial to the security of the State and, thus, being put in a dossier conveyed the same vide his letter No. **LGL/ Det/ PSA/ 2025/ 27922-25** dated **01.09.2025** to the respondent No.2-District Magistrate, Srinagar thereby urging the exercise of jurisdiction on the part of the respondent No.2-District Magistrate, Srinagar under J&K Public Safety Act, 1978 to order the preventive detention of the petitioner.

5. The dossier with reference to the petitioner profiled and projected the petitioner being a Degree Holder in Music and Fine Arts but deeply influenced

by radical ideology and then coming in contact with active terrorists and OGW(s) of LeT/TRF drawing motivation from them to work for and provide logistic support, food, shelter etc. to the terrorists.

6. The petitioner is said to have been a very staunch OGW of Barthana Qamarwari area. The petitioner's transformation into a radical, notorious terror associate and sympathizer is said to have been on account of his interaction with one Mehraj-ud-Din alias Jan Peer resident of Pandach Srinagar known as an Islamic Preacher and former terrorist, who used to be delivering inflammatory and venomous lectures on Islam and Jihad.

7. In June 2022, the Police Cargo, Srinagar and Paramilitary Forces are said to have carried out a joint operation at Barthana Qamarwari in which the petitioner along with his associates are said to have been apprehended and subjected to interrogation to vomit out alleged confession that since November 2021 TRF terrorists including Basit Ahmad Dar alias Kamran, Umais Wani alias Khubaib, Lateef Ahmad Dar, Aqib Shergojri, Saqib and Zubair had

visited his home for staying there for extended period. From the search of the petitioner's house and his mobile phone, photographs are alleged to have been drawn out showing terrorist preparing food and taking shelter at his residence.

8. The petitioner's complicity in criminal case of **FIR No. 127 of 2022** registered by the Police Station, Parimpora was highlighted in the dossier. In addition, the petitioner was said to have been subjected to security for good behavior proceedings on **08.02.2025**, **25.04.2025** besides documenting his activities in a Patrol Book Report on **27.07.2025**.

9. The aforesaid dossier convinced the respondent No.2-District Magistrate, Srinagar, to come forward with grounds of detention formulated to draw a subjective satisfaction therefrom that reported state of activities of the petitioner are prejudicial to the security of the State warranting his preventive detention custody and thus, came to pass detention order No. **DMS/PSA/41/2025** dated **30.09.2025** thereby directing arrest of the petitioner and his

confinement in District Jail, Poonch for a period to be specified by the Government.

10. The execution of the detention warrant came to be carried out when petitioner was detained on **04.10.2025** whereupon he was handed over with all the requisite documents and is said to have been explained the order of detention, grounds of detention, notice of detention and other material accompanying the compilation so as to make him understand the basis of his detention custody before being handed over to the Superintendent, Central Jail, Poonch.

11. By virtue of an order No. **Home/PB-V/1835 of 2025 dated 08.10.2025**, the preventive detention order so passed by the respondent No.2-District Magistrate, Srinagar came to be approved and submitted for the Advisory Board's examination and opinion.

12. The Advisory Board at its end submitted an Opinion Report dated **03.11.2025** by holding that there were sufficient grounds for subjecting the petitioner to suffer preventive detention custody. The Advisory Board is said to have also extended its HCP No. 326/2025

consideration to the representation dated **09.10.2025** made in the name and on behalf of the petitioner by his family members and found the same to be without any merit.

13. Based upon said Advisory Board's Opinion in affirmation of preventive detention of the petitioner, confirmation came to be accorded by the Government of Union Territory of Jammu and Kashmir acting through Home Department by issuance of Government Order No. **Home/PB-V/2115 of 2025** dated **14.11.2025** and ordering the first phase of the petitioner's preventive detention for a period of six months from **04.10.2025** till **03.04.2026** with place of confinement being District Jail, Poonch.

14. The petitioner's detention is said to have been further extended and is meant to last for a full period of two years, to expire on **03.09.2027**.

15. The petitioner in his writ petition has come forth assailing his preventive detention by stating that the respondent No.2-District Magistrate, Srinagar is not competent to order preventive detention by reference to the security of the State scenario because

of amendment in the Jammu and Kashmir Public Safety Act, 1978 effected in the year 2022.

16. In this regard, it is stated by the petitioner that expression “State of Jammu and Kashmir” has been replaced by expression “Union Territory of Jammu and Kashmir” and, therefore, in the impugned detention order, the respondent No.2-District Magistrate, Srinagar has fallen into error of judgement by holding that alleged repeated activities of the petitioner are prejudicial to the security of the State whereas there is no State of Jammu and Kashmir as a political entity by reference to which its security can be said to be a ground for subjecting a person to preventive detention and instead it is only by reference to security of Union Territory of Jammu and Kashmir that exercise of jurisdiction under Jammu and Kashmir Public Safety Act, 1978 under section (8) sub section (1)(a)(i) can be exercised both by the Government as well as by the Officers named in sub section (2) of section (8).

17. The petitioner has further assailed that the respondent No.2-District Magistrate, Srinagar has not disclosed the material on the basis whereof he came to

arrive at a conclusion about the alleged prejudicial state of activities of the petitioner. It is pleaded that the petitioner was never ever provided with the beat book reports mentioned in the grounds of detention.

18. The petitioner has further averred that the entire material related to **FIR No. 127 of 2022** registered by Police Station, Parimpora and the Final Investigation Report related therewith was never ever provided to the petitioner for enabling him to make an effective representation against his preventive detention being correlated with petitioner's alleged involvement in criminal case booked under **FIR No. 127 of 2022.**

19. The only ground worth mentioning urged in the writ petition is that a detention cannot be on vague grounds in the context of having no date, no territorial location, no month and no year about the alleged indulgences referred and related to the petitioner being prejudicial activity to the security of Union Territory of Jammu and Kashmir.

20. In response to the writ petition, the respondent No.2-District Magistrate, Srinagar in his counter HCP No. 326/2025

affidavit, has stated that on **12.06.2022**, the petitioner along with his associates were apprehended by a joint operation team during a search operation launched by Police Cargo, Srinagar and Paramilitary Forces, Barthana and upon detention, the petitioner is said to have made an admission that since **November 2021**, terrorists had been staying in his house for a long time. The registration of **FIR No. 127 of 2022** by the Police Station, Parimpora for alleged commission of offences under section 153-A, 153-B and 505 of Indian Penal Code read with section 13 of Unlawful Activities (Prevention) Act, 1967 had taken place, leading to the arrest of the petitioner.

21. The counter affidavit filed on **09.02.2026** does not divulge anything further with respect to **FIR No. 127 of 2022** meaning thereby the respondent No.2-District Magistrate, Srinagar was as clueless as a layman could be in the context of the case registered under **FIR No. 127 of 2022** by Police Station, Parimpora.

22. Both the grounds of detention as well as the counter affidavit from the end of respondent No.2-HCP No. 326/2025

District Magistrate, Srinagar are found to be tightlipped with respect to fact as to whether the petitioner came to be charge sheeted for his alleged involvement in **FIR No. 127 of 2022** and, if so, the status of the criminal case in a court of law.

23. When this Court examines the preventive detention of the petitioner by reference to the challenge that it is resting purely on vague grounds, this Court cannot escape from agreeing with said challenge. If no less a person than the Senior Superintendent of Police (SSP), Srinagar in his dossier is to be found blank with respect to the final outcome of **FIR No. 127 of 2022**, be it in the form of presentation of a charge sheet or a closure report, then the quality of information at the disposal of Senior Superintendent of Police (SSP), Srinagar to frame a dossier for seeking preventive detention of the petitioner became seriously suspect from the very first stroke of writing of the dossier by none other than Senior Superintendent of Police (SSP), Srinagar.

24. The respondent No.2-District Magistrate, Srinagar is in no better position than the blank

position of Senior Superintendent of Police (SSP), Srinagar in the manner that it did not tax the respondent No.2-District Magistrate, Srinagar to seek input from the end of Senior Superintendent of Police, Srinagar about the final outcome of **FIR No. 127 of 2022** which otherwise was being highlighted in the entire dossier to portray the petitioner as Over Ground Worker.

25. If the reference to **FIR No. 127 of 2022** in the context of petitioner is taken out, then literally what is left in the dossier as well as the grounds of detention is more a chalk rather than cheese and the grounds of detention, thus, self-certify themselves to be vague to the extent that there is no whisper of fact as to whether the petitioner has ever breached the terms and conditions of the bonds dated **08.02.2025** and **25.04.2025** so as to self-invite preventive detention custody to be ordered by the respondent No.2-District Magistrate, Srinagar.

26. The Hon'ble Supreme Court of India in the case of **Vakil Singh vs. State of J & K and Anr., 1974 AIR (SC) 2337** has examined as to what is meant by

“Grounds” in the context of grounds of detention in support of a preventive detention law. In this regard, the Hon’ble Supreme Court of India has examined and extrapolated the expression “grounds” to be both conclusions of facts with a factual constituent therein and the conclusions drawn therefrom.

27. When this Court examines the purported grounds of detention in the present case related to preventive detention of the petitioner, then the expression “grounds of detention” has nothing stated factually in its entire length and breadth except fictitious references on the basis whereof to deprive a person of his fundamental right to personal liberty cannot be allowed to sustain and, therefore, the preventive detention of the petitioner in the present case is also found to be seriously flawed being based on vague grounds in every sense of the term.

28. The Detention Order **DMS/PSA/41/2025** dated **30.09.2025** read with approval/ confirmation/ extension order(s) passed by respondent No.1 are hereby held to be illegal and, thus, quashed.

29. 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.

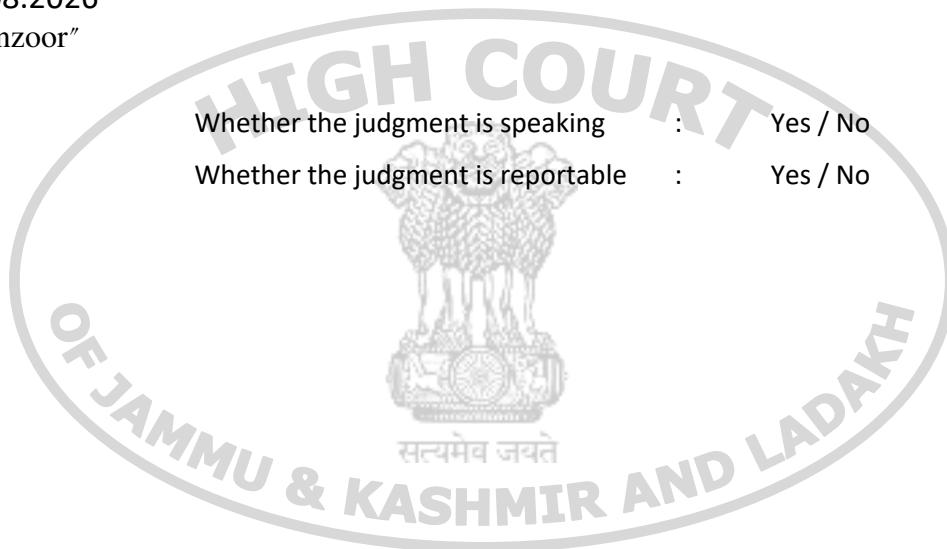
30. Disposed of.

**(RAHUL BHARTI)
JUDGE**

SRINAGAR:

27.08.2026

"Manzoor"



Whether the judgment is speaking : Yes / No

Whether the judgment is reportable : Yes / No