

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

Pronounced on : 29.06.2026

HCP No. 329/2025

Nazir Ahmad Dar

.....Petitioner

Through: Mr. Shariq J. Reyaz, Advocate

Vs

UT of J&K and others

..... Respondents

Through: Mr. Mohsin Qadri, Sr. AAG with
Ms. Maha Majeed, Assisting Counsel.

**CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
JUDGMENT**

01. Heard learned counsel for both sides.
02. Perused the writ record and the documents therewith.
03. Invoking article 226 of the Constitution of India, the petitioner Nazir Ahmad Dar, acting through his wife – Hafeeza Dar, came forward with the present writ petition filed on **11.11.2025** thereby seeking a writ of habeas corpus for release of the petitioner from his preventive detention custody in District Jail, Udhampur on account of preventive detention order passed by the respondent No. 2- District Magistrate Srinagar acting under the J&K Public Safety Act, 1978.

04. The respondent No.2 – District Magistrate, Srinagar in exercise of power under section 8 of the Jammu & Kashmir Public Safety Act, 1978 reckoned the alleged reported activities of the petitioner being prejudicial to the maintenance of Public Order and, therefore, directed his preventive detention by issuance of an order **No. DMS/PSA/44/2025** dated **28.10.2025** which resulted in consequent arrest and detention of the petitioner coming into being on **30.10.2025**.

05. A case for preventive detention of the petitioner was submitted by the Sr. Superintendent of Police (SSP), Srinagar in terms of his letter **No. LGL/Det-PSA/2025/27652-55** dated **29.08.2025** thereby purportedly reporting the alleged state of activities of the petitioner reckoned by the District Police Srinagar to be prejudicial to the maintenance of Public Order.

06. In response to said dossier so submitted by the Sr. Superintendent of Police (SSP), Srinagar , the respondent No. 2 – District Magistrate, Srinagar acted at his leisure in considering the same before coming up with issuance of detention order **No. DMS/PSA/44 of 2025** dated **28.10.2025**, almost after a gap of two months.

07. In the grounds of detention, the alleged antecedents of the petitioner by reference to his involvement in criminal cases in **FIR No. 371 of 2008** of the Police Station, Budgam, **FIR No. 137/2015** of the Police Station Saddar, **FIR No. 33 of 2017** of Crime Branch, Srinagar, **FIR No. 97 of 2021** of the Police Station Pantha Chowk, **FIR No. 16 of 2023** of Police Station Safar and **FIR No. 43 of 2025** of Police Station Pantha Chowk came to be highlighted.

08. The petitioner came up with a challenge to his preventive detention on the grounds as set out in para 7(A)(i) to (xi).

09. The highlight challenge is that the alleged activities of the petitioner at best are on the side of law and order problem for which the petitioner is undergoing the routine ordeal of criminal law whereas the preventive detention slapped upon him is a punitive punishment being handed over by the District Police and the District Magistrate, Srinagar.

10. Upon considering all facts and circumstances, this Court is constrained to observe that if the alleged reported state of activities of the petitioner were so serious as posing risk to the maintenance of Public Order, then the respondent

No. 2 – District Magistrate, Srinagar ought not have to let the petitioner enjoy his personal liberty for another two months' period to perpetuate his alleged prejudicial activities bothering Public Order.

11. The respondent No. 2 – District Magistrate, Srinagar was, thus, obviously expected to act with promptness to respond to the dossier whereas the dossier was taken as a matter of routine and that is how the two months' time lag is separating the dossier and the issuance of the detention order without any reason being cited by the respondent No. 2 – District Magistrate, Srinagar in his order of detention as well grounds of detention in support thereof which render the exercise of jurisdiction on his part under the J&K Public Safety Act, 1978 seriously flawed and frivolous.

12. In view of the aforesaid, this Court holds detention order **No. DMS/PSA/44/2025** dated **28.10.2025** passed by the respondent No. 2 – District Magistrate, Srinagar read with approval/confirmation/extension order passed by the respondent No. 1 as illegal, and are, accordingly, quashed.

13. 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.

14. **Disposed of.**

15. Original detention record if produced, to be returned.

(RAHUL BHARTI)
JUDGE

SRINAGAR
29.06.2026
Opinder

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