

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

HCP No. 381/2024

Seerat-ul-Hassan Dhar

...Applicant(s)/Petitioner(s)

Through: Mr. Tuba Manzoor Ahmad, Advocate

VERSUS

UT of J&K And Ors.

...Respondent(s)

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

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER

09.07.2026

1. Heard Mr. Tuba Manzoor Ahmad, learned Advocate for the petitioner. Also heard Ms. Maha Majeed, Assisting counsel to Mr. Mohsin Qadri, learned Senior Additional Advocate General for the respondents.
2. Detention record produced today in photostat form also perused.
3. The petitioner- Seerat-ul-Hassan, acting through his father- Mohammad Illiyas, came forward with institution of present writ petition on **12.12.2024** being aggrieved of preventive detention custody imposed upon him by the

exercise of authority on the part of the respondent No. 2- District Magistrate, Srinagar under J&K Public Safety Act, 1978 by issuance of an **order No. DMS/PSA/32/2024** dated **11.10.2024** by holding the petitioner being indulgent in activities prejudicial to the maintenance of security of the State warranting his preventive detention.

4. The petitioner was ordered to be arrested and detained at Special Jail (Correctional Home) Pulwama.
5. The issuance of said detention order led to the arrest of the petitioner taking place on **15.10.2024** when detention warrant executing officer carried out execution of the detention order on **15.10.2024** from which date onwards the petitioner is in continuing state of custody which is meant to last for two years expiring by coming **October, 2026**. Thus, the petitioner is left only with three/four months of custody period to serve but investing his trust in the

Constitutional Court to adjudge the legality of his preventive detention custody.

6. The petitioner's preventive detention custody has followed heels of his purported release from previous preventive detention custody which had come to visit him also by the order of the respondent No. 2- District Magistrate, Srinagar under J&K Public Safety Act, 1978 in **September, 2022**, against which the petitioner had come to this Court with a writ petition **WP(Cr1) No. 726/2022** with the same trust as is now being invested in this Court for seeking his lost liberty and said trust failed to earn any adjudication because of expiry of detention period during pendency of writ petition leading this Court to come up with an order dated **17.09.2024** though late in terms of adjudication but nevertheless paving way for the petitioner's release from his preventive detention custody.
7. There cannot be a dispute to the fact that the petitioner was meant to be released from his

preventive detention custody effected under **order No. DMS/PSA/107/2022** dated **08.09.2022** in compliance to the order dated **17.09.2024**.

8. The petitioner perhaps was not let free and this fact is forthcoming from an order dated **14.09.2024** of Tehsildar, Khanyar Executive Magistrate First Class, Srinagar who directed petitioner's custody by purported reference to proceedings under section 126/170 of Bharatiya Nagarik Suraksha Sanhita, 2023 from **14.09.2024 to 19.09.2024**.

9. When this Court peruses the very opening line of present impugned detention **order No. DMS/PSA/32/2024** dated **11.10.2024**, the Senior Superintendent of Police (SSP) Srinagar in his **dossier No. LGL/Det/2024/2361-64** dated **07.10.2024** was coming forward with a statement that observed state of activities of the petitioner were found to be objectionable warranting his preventive detention custody.

10. Now if the date of dossier is **07.10.2024**, then it means the study-cum-observance period with respect to the alleged state of activities of the petitioner in his state of personal liberty is only less than 30 days. In said 30 days of his personal liberty state, if it is assumed that the petitioner was released from his preventive detention custody, then what are the reportable facts which were with the Senior Superintendent of Police (SSP) Srinagar to cite for the cognizance of the respondent No. 2- District Magistrate, Srinagar are altogether missing from the dossier and obviously would miss mention from the grounds of detention.

11. This Court has no iota of doubt that the petitioner's preventive detention, in terms of an exercise initiated by the Senior Superintendent of Police, (SSP) Srinagar and culminated by the respondent No. 2- District Magistrate, Srinagar, was with a preconceived mind to somehow keep the petitioner detained and if the timeline goes

then the petitioner perhaps is in the fourth year of his continuing custody except for brief spell of few days' liberty.

12. The petitioner's preventive detention is nothing but a sheer abuse of process of law resorted to by the Senior Superintendent of Police, (SSP) Srinagar complimented by the respondent No. 2- District Magistrate, Srinagar and confirmed by the Home Department, Government of Jammu and Kashmir without any respect to the constitutional sensitivity which is meant to attend exercise of power in the matter of carrying out preventive detention custody of a citizen and which is not meant to come as a matter of routine and ritual but only as an exceptional exercise leaving no other option for the District Police/Administration other than getting the person deprived of his personal liberty.

13. Accordingly, this Court declares detention
order No. DMS/PSA/32/2024 dated
11.10.2024 read with

approval/confirmation/extension order/s of the Home Department all illegal which are hereby quashed. The petitioner is directed to be restored to his personal liberty forthwith from the place of confinement wherever he is being kept held and to that regard the Superintendent concerned of the Jail to act in abidance.

14. **Disposed of.**

(RAHUL BHARTI)
JUDGE

SRINAGAR
09.07.2026
Akhil Dev

