

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

**CM (6245/2024) in LPA 262/2024
CM (6246/2024)**

**Union Territory of J and K and ...Petitioner(s)/Appellant(s).
Ors.**

Through: Mr. Younis Hafiz, Assisting Counsel vice
Mr. Mohsin Qadri, Sr. AAG.
Vs.

Zahid Ahmad Najar, Advocate. ...Respondent(s).

Through: Mr. Wajid Haseeb, Advocate.

CORAM:

**HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

ORDER

04.11.2025

1. This is an application seeking condonation of delay of 96 days in filing an appeal under Clause 12 of the Letters Patent against the judgment dated 2nd April, 2024 passed by the learned Single Judge of this Court (writ Court) in WP(Crl) No. 278/2022 titled Zahid Ahmad Najar vs. UT of Jammu and Kashmir, whereby the writ court has allowed the Habeas Corpus petition of the respondent and quashed the order of detention. The delay in filing the appeal has been sought to be explained by submitting that a lot of time was taken by the appellants in taking the decision as to whether the judgment impugned passed by the writ Court should be appealed against or not. He submitted that it is only after a nod was received from the Law Department and a formal sanction dated 14th June, 2024, for filing appeal was given, the instant belated appeal was filed accompanied by an application for condonation of delay.

2. Having heard the learned counsel for the parties and perused the detention record, we are of the considered opinion that the explanation tendered by the appellants does not constitute a sufficient cause which might have prevented appellants from filing the appeal within time. That apart, we have gone through the judgment impugned and find that the same has been rendered infructuous by efflux of time. The respondent was put under preventive detention by the District Magistrate, Anantnag vide order dated 10th April, 2022 and served detention till his detention was quashed on 2nd April, 2024.

3. In compliance with the judgment passed by the writ Court, he is stated to have been released from preventive custody of the State. That being the position, the respondent had served at least two years in detention when his detention order was quashed by the writ Court. That apart nothing has been brought to our notice that after his release from preventive detention in terms of the judgment of the writ Court dated 2nd April, 2024, the respondent has indulged in any activities pre-judicial to the interest of the security of the State.

4. In the given facts and circumstances, more particularly having regard to the fact that the respondent has already undergone maximum period of his detention, we find no merit in the application for condonation of delay and same is accordingly dismissed.

5. Consequently, LPA 262/2024 also stands dismissed.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR
04.11.2025
"Shahid Manzoor"