*Serial No.19*
*REGULAR CAUSE LIST*

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

**LPA 45/2026 in[HCP 202/2025]**

**UT OF J&K AND ANR. …Petitioner/Appellant(s)**

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

**Vs.**

**UMER BASHIR SHEIKH ...Respondent(s)**

Through: Mr. I. Sofi, Advocate

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE**
**HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE**

**ORDER**
03.11.2026

1. Impugned in this Letters Patent Appeal filed by the Union Territory of Jammu and Kashmir and another, is an order and judgment dated 14th January, 2026 passed by the learned Single Judge of this Court ["the writ Cout"] in Habeas Corpus Petition bearing HCP No. 202/2025, titled ***"Umer Bashir Sheikh Vs. Union Territory of Jammu and Kashmir and Anr."***, whereby the writ Court has allowed the Habeas Corpus Petition filed by the respondent and quashed the order of detention passed by the District Magistrate, Kupwara, vide No. 13-DMK/PSA of 2025 dated 30th April, 2025.

2. The order of detention impugned before the writ Court has been quashed primarily on the following two grounds:

   i. That the two FIRs relied upon by the detaining authority to derive its satisfaction with regard to the necessity of

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placing the respondent under preventive detention pertain to the year 2018 and, therefore, the detention has been ordered on stale grounds.

ii. That the other allegations levelled against the respondent in the grounds of detention are devoid of any particulars and, therefore, are vague in nature.

3. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the writ Court has correctly appreciated the controversy and has rightly held the detention of the respondent bad in the eyes of law. Admittedly, the detaining authority has placed strong reliance upon FIR No. 337/2018 and FIR No. 243/2018, whereas the detention order impugned in the writ petition was passed on 30th April, 2025.

4. The allegations contained in the aforesaid FIRs are too stale and remote having no proximity with the necessity to order detention of the respondent in the year 2025. We, therefore, fully concur with the view taken by the writ Court.

5. So far as the other allegations are concerned, we have carefully gone through the grounds of detention. Although there are many allegations made against the respondent but the same are devoid of any material particulars. Neither the dates of occurrences referred to have been given nor there is

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any supporting material regarding commission of any prohibited activity by the respondent. The writ Court has analyzed all the allegations contained in the grounds of detention and has rightly come to the conclusion that the allegations are too vague to be relied upon for passing of an order of detention against the respondent. We, therefore, see no good reason or justification to take a view contrary to the one taken by the writ Court.

6. For all the aforesaid reasons, as also the reasons elaborately recorded by the writ Court in the judgment impugned herein, we find no merit in this appeal and the same is, accordingly, **dismissed**.

**(Mohd Yousuf Wani)**
**Judge**

**(Sanjeev Kumar)**
**Judge**

**SRINAGAR:**
03.11.2026
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HIGH COURT
JAMMU & KASHMIR AND LADAKH

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