S. No.2
Regular list

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

HCP 156/2025 CM(7436/2026)

FAHAD BASHIR SIDIQUEE …Petitioner(s)/Appellant(s)

Through: Ms. Nida Nazir, Advocate.

Vs.

UNION TERRITORY OF J AND K AND ANR …Respondent(s)

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

CORAM:HON'BLE MR. JUSTICE RAHUL BHARTI JUDGE

ORDER
05.11.2026

1. Heard Ms. Nida Nazir, learned Advocate for the petitioner. Also heard Mr. Mohsin Qadiri, learned Senior AAG, for the respondents.
2. The institution of this writ petition came to take place on **28.05.2025**, by the petitioner-**Fahad Bashir Sidiquee** acting through his father Bashir Ahmad Sidiquee, thereby seeking quashment of his preventive detention custody slapped upon him by virtue of an exercise of jurisdiction on the part of the respondent No. 2-District Magistrate, Srinagar acting under the J & K Public Safety Act, 1978.
3. The institution of the petition by the petitioner through his father came to take place when the petitioner was and still undergoing custody in the Central Jail Jammu, Kotebhalwal.

4. At the time of institution of the writ petition, the petitioner had undergone twenty days of preventive detention custody and when this petition is coming up for hearing today, one year and five months of preventive detention custody has come to be suffered by the petitioner and left with remainder period of six months of custody but still the petitioner is expecting a call of justice to come in terms of adjudication of this writ petition to its logical end.

5. It is the Senior Superintendent of Police (SSP), Srinagar who had profiled the petitioner's alleged activities to be prejudicial to the security of the State and, thus, by virtue of a Communication No. **LGL/Det/2025/14598-602** dated **01.05.2025** submitted a dossier to the respondent No. 2-District Magistrate, Srinagar thereby soliciting exercise of jurisdiction under the J & K Public Safety Act 1978 to order the preventive detention custody of the petitioner by depriving him of his fundamental right to personal liberty.

6. The dossier came to profile the petitioner by three aspects. One aspect being introduction of the petitioner as a person who from his very early age got deeply influenced by radical ideology and thereby becoming a chronic stone pelter coming in contact with active terrorists and OGWs of LeT getting motivated from them to work for outfit as overground worker for providing logistic support. In this regard, the petitioner is alleged to have started

sharing of sensitive information regarding the movement of Police and Security Forces of the area and in a very short span of time, himself becoming staunch OGW of his area and also an active conduit of banned terrorist organisation LeT. There is a very sweeping and generalized profiling of the petitioner in this regard.

7. Second aspect of the petitioners' adverse antecedents is by reference to his involvement in criminal cases in the form of FIR **No. 55/2021** registered by the Police Station M. R. Gunj, **FIR No. 28/2021** registered by the Police Station Kralkhund and **FIR No. 22/2015** registered by Police Station Nowhatta.

8. Third aspect is related to the security proceedings under Chapter IX of the Bhartiya Nagarik Suraksha Sanhita, (BNSS) 2023.

9. By purported reference to the dossier so submitted with respect to petitioner, the respondent No. 2-District Magistrate, Srinagar came to formulate grounds of detention which is meant to be an aspect of an independent application of mind on the part of an authority vested with the jurisdiction to order preventive detention of a person by depriving him/her of fundamental right to personal liberty.

10. In the grounds of detention formulated by the respondent No. 2 District Magistrate Srinagar, reproduction of the dossier has come to take place, on the basis whereof a purported subjective satisfaction came to be fetched by the respondent no.

2-District Magistrate, Srinagar, to the point of conviction that the petitioners' personal liberty is prejudicial to the security of the State, and, therefore, warrants his preventive detention leading to Order No. **DMS/PSA/20/2025** dated **07.05.2025**, thereby ordering the preventive detention of the petitioner and his arrest custody in the Central Jail, Jammu, Kotebhalwal.

11. In the dossier forwarded by the Senior Superintendent of Police, (SSP) Srinagar vide his communication No. **LGL/Det/2025/14598-602,** there is an express reference to petitioners' previous preventive detention custody under the J & K Public Safety Act 1978 having taken place by virtue of an order of the District Magistrate, Srinagar vide an Order No. **DMS/PSA/105/2021** dated **21.01.2021** but quashed by this Cout in **WP(Crl) No. 29/2022** vide a judgment dated **16.05.2023**.

12. A very same recital with respect to previous detention of petitioner came to be referred and repeated by none other than respondent No. 2-District Magistrate in the grounds of detention framed from his end referring the petitioners' previous detention vide District Magistrate, Srinagar's office No. **DMS/PSA/105/2021** dated **21.01.2021.**

13. Through medium of application CM No. 7436/2026, the petitioner came to place on record his previous detention order and judgment of this court in WP(Crl) 29/2022.

14. The petitioner's previous detention order passed by none else than the District Magistrate, Srinagar is Order No. **DMS/PSA/105/2021** dated **21.01.2022**, and, thus, there is no such detention order bearing **No. DMS/PSA/105/2021** dated **21.01.2021** as mentioned in his dossier by the Senior Superintendent of Police, Srinagar and referred to by the respondent No. 2-District Magistrate, Srinagar in his grounds of detention in support of the current preventive detention Order No. **DMS/PSA/20/2025** dated **07.05.2025.**

15. There could not have been a more embarrassing evidence of total non-application of mind both on the part of the Senior Superintendent of Police, (SSP) Srinagar as well as of the District Magistrate Srinagar in impudently taking liberty with the personal liberty of detenue by dishing out a dossier and a detention order without bothering their eyelid to go to the archives and to see as to vide which preventive detention order, the petitioner had come to be previously subjected to suffer preventive detention custody by same very dispensation.

16. This court is, thus, relieved of its responsibility of examining the rest of the grounds of challenge to the preventive detention of the petitioner and the aforesaid anomaly is sufficient enough to expose the Senior Superintendent of Police, (SSP) Srinagar as well as District Magistrate, Srinagar in poor light as

undeserving authorities to handle constitutionally sensitive preventive detention custody jurisdiction.

17. In the light of the aforesaid, preventive detention order No. **DMS/PSA/20/2025 dated 07.05.2025** read with approval order No. **Home/PB-V/920 of 2025 dated 14.05.2025** read with confirmation order No. **Home/PB-V/1173 of 2025 dated 10.06.2025**, read with subsequent extension orders, are hereby **quashed**. The petitioner is directed to be released to his personal liberty by release from the confines of the Central Jail, Kotebhalwal, Jammu.

18. Detention record produced by Ms. Maha Majeed, Assisting Counsel, for the perusal of this Court to be returned back.

19. **Disposed of**.

(RAHUL BHARTI)
JUDGE

SRINAGAR
05.11.2026
Hilal Ahmad