Serial No. 4
Regular Cause List

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

HCP 187/2025

MOHD SADIQ MIR TH.HIS WIFE

…Appellant(s)\Petitioner(s)

Through: -
Mr. Wajid Mohammad Haseeb, Advocate

V/s

UNION TERRITORY OF J AND K (HOME) AND ORS

… Respondent(s)

Through: -
Mr. Faheem Nisar Shah, GA

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

(ORDER)

12.11.2026

1. The petitioner is a preventive detention detenue who came up with present writ petition filed on **04.06.2025** seeking his release from the preventive detention custody being in the confinement of the District Jail Udhampur. The institution of the writ petition has taken place through the wife of the petitioner.

2. The petitioners' preventive detention is sourced to detention order **No. 18-DMK/PSA OF 2025**, dated **03.05.2025** passed by the respondent No.2-District Magistrate, Kupwara, purportedly acting under the power and authority of J&K Public Safety Act, 1978, reckoning the petitioner's state of personal liberty being prejudicial to the "Security of the State".

3. The petitioner's preventive detention was solicited by the respondent No.3- Senior Superintendent of Police (SSP), Kupwara who, by virtue of his communication **No.PSA-Cell/DOS/05/2025/21870-73** dated **28.04.2025** followed by communication **No.PSA-Cell/DOS-2025/22190** dated **30.04.2025,** had submitted a purported dossier of alleged state of activities of

the petitioner warranting his preventive detention custody in order to prevent him from acting in a manner prejudicial to the "Security of the State.

4. Acting upon said dossier, the respondent No. 2- District Magistrate, Kupwara formulated the grounds of detention in which in para 2 is a recital to the effect that the petitioner has a "long history of criminal activities" posing a threat to public safety as well as sovereignty and integrity of India and that the petitioner is involved in terrorist acts.

5. In the name of criminal antecedents of the petitioner, only reference case at the disposal of the respondent No.2- District Magistrate Kupwara is FIR **No.22/2014** registered by the Police Station Kralpora, for alleged commission of offence/s under Sections **307** and **120-B** Ranbir Penal Code read with Section **7/25** of Arms Act 1959, in which the petitioner is said to be undergoing trial in the Court of Sessions Judge Kupwara.

6. The recital about the alleged long history of criminal activities of the petitioner is ex-facie misconceived and misplaced when only criminal case in which the petitioner has come to be booked is that of 2014 by reference to **FIR No.22/2014** and that becomes a very distant incident to generate basis for the Senior Superintendent of Police (SSP), Kupwara as well as to the respondent No.2- District Magistrate Kupwara, to correlate the petitioners' state of personal liberty as being prejudicial to the security of the State.

7. The petitioner has lost his personal liberty with effect from **5th of May 2025** and the petitioner is supposed to suffer two years' full detention custody but for the outcome of this writ petition which is going in favour of the petitioner by holding that the petitioner's preventive detention is nothing but a frivolity and fancy on the part of the respondent No.3- Senior Superintendent of Police (SSP), Kupwara reciprocated by the respondent No.2- District Magistrate Kupwara. If by this type personal liberty is allowed

to be usurped by the District Police and District Magistrate in depriving a person of his most cherished fundamental right to personal liberty, then article 21 of the Constitution of India would mean nothing but a lip service to a free citizen of India exposed to suffer preventive detention under preventive detention jurisdiction at any given point of time at the call of fancy of District Police and on the callous command of a District Magistrate.

8. Therefore, this Court allows the present writ petition, quashes preventive detention Order **No. 18-DMK/PSA OF 2025** dated **03.05.2025** read with approval/confirmation/extension order. The petitioner is directed to be released to his personal liberty forthwith by his release from the District Jail Udhampur by the Superintendent concerned.

9. **Disposed** of.

(RAHUL BHARTI)
JUDGE

SRINAGAR
12.11. 2026
"Opinder"