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

Reserved on: 05.11.2026
Pronounced on: 20.11.2026
Uploaded on: 20.11.2026
Whether the operative part or full judgment is pronounced: ***Full***

HCP No.206/2025

ANAYATULLAH WANI

...PETITIONER(S)/APPELLANT(S)

Through: - Mr. Abdul Musavir Tak, Advocate, with
Mr. Danish Khursheed, Advocate.

Vs.

UT OF J&K & OTHERS **...RESPONDENT(S)**

Through: - Mr. Bikramdeep Singh, Dy. AG.

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

JUDGMENT

1) Through the medium of present petition, the petitioner has challenged detention order bearing No.01/DMS/PSA of 2025 dated 28.04.2025, issued by District Magistrate, Shopian, in exercise of powers conferred by Section 8 of the J&K Public Safety Act, 1978, whereby the detenue, namely, ***Anayatullah Wani***, has been placed under preventive detention so as to prevent him from indulging in the activities which are prejudicial to the security of the State (UT) of J&K.

2) It has been contended by the petitioner that the allegations mentioned in the grounds of detention are vague. It has been submitted that impugned detention order has been passed without application of mind as the grounds of detention are vague, non-existent

and stale, on the basis of which no prudent man can make a representation against such allegations. It has been further contended that the procedural safeguards have not been complied with in the instant case, inasmuch as whole of the material that formed basis of the grounds of detention and translated version thereof has not been provided to the petitioner, which has prevented him from making an effective representation against his detention and that the impugned order of detention has been passed in violation of the law governing the field.

3) The respondents, in their counter affidavit, have contended that the impugned detention order is based on a reasonable prediction of future behaviour and the same has been passed after considering the past conduct of the detenue. It has been contended that the activities of the detenue are highly prejudicial to the security of the State. It is pleaded that the detention order and grounds of detention along with the material relied upon by the detaining authority were handed over to the detenue and the same were read over and explained to him. It has been further contended that the detenue was informed that he can make a representation to the government as well as to the detaining authority against his detention. It is also averred in the reply affidavit that all statutory requirements and constitutional guarantees have been fulfilled and complied with by the detaining authority and that the order has been issued validly and legally. The respondents have produced the detention record to lend support to the stand taken in the counter affidavit.

4) Learned counsel for the petitioner, while seeking quashment of the impugned order, projected various grounds but his main thrust during the course of arguments, was on the ground that the grounds of detention are vague and cryptic, which prevented the detenue from making an effective representation against his detention.

5) On perusal of the grounds of detention, the ground projected regarding vagueness of the averments made in the grounds of detention, appears to be forceful. In the grounds of detention, there is no mention of the particulars of the places and the identity of the terrorists, to whom the petitioner was allegedly providing logistic support. The particulars of the period when the detenue is alleged to have provided logistic support to the terrorists are also not mentioned in the grounds of detention. The details of alleged anti-national activities and the particulars of the period when the detenue again allegedly indulged therein are also not given in the grounds of detention. Thus, the grounds, being vague lacking in material particulars, the detenue could not have made an effective representation against his detention. Therefore, there has been violation of constitutional guarantees envisaged under Article 22(5) of the Constitution. The detention order, as such, is illegal and unsustainable. In my aforesaid view, I am fortified by the judgments of the Supreme Court in the case of **Jahangirkhan Fazal Khan Pathan vs. Police Commissioner, Ahmadabad, (1989) 3 SCC 590, Abdul Razak Nane khan Pathan v. Police Commissioner, Ahmadabad, AIR 1989 SC 2265, Mohd.**

Yousuf Rather vs. State of J&K & Ors, 1979 4 SCC 370 and **Piyush Kantilal Mehta vs. The Commissioner of Police, Ahmedabad City and Ors. 1989 (1) Crimes 176 (SC).**

6) For the afore-stated reasons, the petition is allowed and the impugned detention order is quashed. The respondents are directed to release the petitioner from the preventive custody forthwith, provided he is not required in connection with any other case.

7) The record be returned to learned counsel for the respondents.

(Sanjay Dhar)
Judge

Srinagar
20.11.2026
"Bhat Altaf-Secretary"

*Whether the **Judgment** is reportable: **Yes/No***

HIGH COURT
JAMMU & KASHMIR AND LADAKH