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Regular

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

HCP 105/2026.

Majid Firdous Dar.

... Petitioner(s)

Through: Ms. Madiya Mushtaq, Advocate.
(Th. Virtual Mode)

VERSUS

UT of J&K & Ors.

...Respondent(s)

Through: Mr. Hakim Aman Ali, Dy AG.

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER
03.11.2026

1. Heard Ms. Madiya Mushtaq, learned counsel for the petitioner, and Mr. Hakim Aman Ali, learned Deputy Advocate General, appearing on behalf of the respondents, at length.
2. The petitioner came to be subjected to preventive detention custody pursuant to an **Order No. 06/DMB/PSA/2026** dated **22.04.2026** passed by the District Magistrate, Baramulla, in exercise of the powers conferred under the Jammu and Kashmir Public Safety Act, 1978, on the basis of the alleged activities of the petitioner which were reported to be prejudicial to the maintenance of Public Order in the Union Territory of Jammu and Kashmir.

3. The petitioner came to be taken into custody on **24.04.2026,** when **ASI Mohd. Akbar** came to detain the petitioner and lodged him in the District Jail, Baderwah.

4. The petitioner was apprised of his right to make a representation to the Government as well as to the District Magistrate, Baramulla.

5. The petitioner came to exercise his said right when, on his behalf, his learned counsel submitted a representation dated **14.07.2026.**

6. The approval to the detention order bearing **No. 06/DMB/PSA/2026** dated **22.04.2026** had come to be accorded by the Government in terms of Court Order **No. Home/PB-V/497 of 2026** dated **03.05.2026.**

7. The J&K Advisory Board, under the Jammu and Kashmir Public Safety Act, 1978, also came forward with its opinion holding the petitioner's detention to be resting on justifiable grounds, which resulted in the confirmation of the petitioner's preventive detention in terms of Government Order **No. Home/PB-V/592 of 2026** dated **22.05.2026**, and the petitioner came to be served with the first instalment of his detention for the period from **24.04.2026** to **23.07.2026.**

8. It is during the period of serving his first detention period of three months that the petitioner came to submit his representation dated **14.07.2026** which came to be duly received at the concerned end.

9. However, despite the receipt of the said representation, the Government came forward with the subsequent extension Government Order **No. Home/PB-V/873 of 2026** dated **20.07.2026,** bearing a false recital that no representation had been received from the detenu or the family of the detenu, and thus extended the petitioner's detention period from **24.07.2026** to **23.10.2026.**

10. On the other hand, the Government of Jammu and Kashmir, through its Home Department, was addressing a communication bearing **No. Home/PB-V/66/2026-(7750346)** dated **18.08.2026** to the District Magistrate, Baramulla, stating therein that the petitioner's representation dated **14.07.2026** received in the Home Department of the Union Territory of Jammu and Kashmir on **15.07.2026,** had been considered and found to be without any merit at that stage.

11. Thus, an interdepartmental communication is stating the truth but Government Order **No. Home/PB-V/873 of 2026** dated **20.07.2026** is bearing a false recital which reflects a very sorry state of affairs at the end of none other than the working of very Home Department of the Government of UT of Jammu and Kashmir which seems to have delegated the making of Government Order/s relating to preventive detention confirmation/approval/extension to clerical hands in the office, who obviously bear no sense of connectivity with the records

relating to the detention of a particular detenu. Otherwise, it is inconceivable that a written representation received from the end of the petitioner by the Government itself on **15.07.2026** would be suffering a note of dismissal in Government Order **No. Home/PB-V/873 of 2026** dated **20.07.2026** which is bearing a recital that no representation has been received from the end of the detenu.

12. In the face of the aforesaid glaring contradiction on the part of none other than the Home Department of UT of Jammu and Kashmir, this Court is inclined to quash the detention order of the petitioner, the detention being rendered illegal by the denial of his right to consideration of his representation on one hand, and the falsehood on the part of the Home Department of the Government of Jammu and Kashmir in dealing with the preventive detention case of the petitioner, on the other hand.

13. Detention Order **No. 06/DMB/PSA/2026** dated **22.04.2026**, read with the approval/confirmation/extension orders passed by the Home Department, Government of UT of Jammu and Kashmir, are hereby quashed.

14. The petitioner is directed to be restored to his personal liberty by his release from the District Jail, Baderwah, and the Superintendent concerned shall act in compliance with this direction by releasing the petitioner from jail custody with immediate effect.

15. The record produced by Mr. Hakim Aman Ali, learned Deputy Advocate General appearing on behalf of the respondents, is returned to him.

16. ***Disposed of.***

(RAHUL BHARTI)
JUDGE

SRINAGAR
03.11.2026
Bisma Jan.

HIGH COURT
JAMMU & KASHMIR AND LADAKH