

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

Reserved on : 09.02.2026
Pronounced on : 12 .03.2026
Uploaded on : .03.2026

HCP No. 147/2025

Mudasir Ahmad Bhat

.....Petitioner

Through: Mr. Zamir Abdullah, Advocate with
Mr. Zahir Abdullah, Advocate

Vs

Union Territory of J&K and others

..... Respondents

Through: Mr. Furqan Yaqoob, GA

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

01. Heard learned counsel for the petitioner as well for the respondents. Perused the pleadings i.e. the writ petition and the annexures therewith as well as the counter affidavit. Detention record produced from the end of the respondents by Mr. Furqan Yaqoob, learned GA also examined.

02. The best opening which adjudication of this case deserves to be put at first is the ever awakening words of renowned **Scientist Albert Einstein** saying that

“Whoever is careless with the truth in small matters cannot be trusted with the important matters.”

03. Exercise of jurisdiction under the Jammu & Kashmir Public Safety Act, 1978 is constitutionally meant and understood to be very serious jurisdiction which admits of no carelessness on the part of its handlers at any stage of but in the present case the respondents No. 1 to 3 are found to be acting in converse to the aforesaid saying of Mr. Albert Einstein.

04. This is a writ petition under article 226 of the Constitution of India filed on **27.05.2025** by the petitioner- Mudasir Ahmad Bhat, acting through his wife Mst. Shagufta Akhter, thereby seeking a writ of habeas corpus for quashment of preventive detention which came to be inflicted upon the petitioner by the respondent No. 2 – District Magistrate, Pulwama purportedly acting in exercise of jurisdiction under section 8 of the Jammu & Kashmir Public Safety Act, 1978 which resulted in curtailment of personal liberty of the petitioner with effect from **01.05.2025** when the petitioner came to be allegedly arrested and detained and

continues to be so till coming of adjudication of this writ petition.

05. Sr. Superintendent of Police (SSP), Pulwama, by virtue of his letter **No. CS/PSA/25/25-28** dated **28.04.2025**, came to lay a dossier with respect to the petitioner thereby purportedly projecting before the respondent No. 2 – District Magistrate, Pulwama alleged state of activities of and on the part of the petitioner which were read and reckoned by the District Police as needed to be checked so as to prevent the petitioner from disturbing peace and carrying out further anti-national activities which warrant the preventive detention of the petitioner under the Jammu & Kashmir Public Safety Act, 1978 purely in the interest of security of the Country/Union Territory of Jammu & Kashmir.

06. In the dossier, Sr. Superintendent of Police (SSP), Pulwama came to refer the petitioner working as a salesman in a tin shop at Main Market, Pulwama and in his course of working and occupation getting in contact with anti-national workers, some killed terrorists and getting himself engaged in subversive/anti-national activities.

07. The petitioner was also referred to be a working potential OGW of active terrorist, namely, Ehsan-ul-Haq, providing all logistic support to him as well as to other terrorists whose floating movements were being observed in District Pulwama especially in Mitrigam area and providing them information about movement of Security Forces.

08. The petitioner was also reported to be luring young generation to get them engaged in anti-national activities and to join terrorist rank through his supporters.

09. In order to check the aforesaid alleged reported activities of the petitioner, he is said to have been called by the concerned Police Station twice on **28.02.2025** and **23.04.2025** by reference to authority under section 126/170 of BNSS but despite that the field reports provided that the petitioner was still providing all sort of assistance to active (local/FT) terrorists on account of being highly radicalized and sympathizer to terrorists having natural tendency to support terrorists engrossed in making unswerving efforts to influence the gullible minds of youngsters and make them to support the

terrorists and terrorist organizations in order to promote the terrorism by every possible means with an aim to prepare the youth to join different terrorists folds in order to strengthen and revive their lost strength which otherwise has been crippled over past few years to create uncertainty in Kashmir Valley especially in Pulwama (Mitrigam area).

10. With aforesaid profiling and caricaturing of the petitioner in the dossier, Sr. Superintendent of Police (SSP), Pulwama solicited the preventive detention of the petitioner by issuance of an order from the respondent No. 2 – District Magistrate, Pulwama who, in turn on the basis of purported subjective satisfaction as formulated in the grounds of detention, came to hold that the petitioner's activities run heavily against him and highly prejudicial to the security of the State thereby warranting the preventive detention of the petitioner.

11. The respondent No. 2 – District Magistrate, Pulwama, based upon his subjective satisfaction as formulated in the grounds of detention, passed detention order **No. 12/DMP/PSA/25** dated **30.04.2025** thereby ordering the preventive detention of the petitioner and his

confinement in District Jail, Udhampur for a period to be specified by the Government.

12. Co-inciding with issuance of aforesaid detention order, the respondent No. 2 – District Magistrate, Pulwama, by virtue of a communication **No. DMP/PSA/25/ 34-36** dated **30.04.2025**, meant to apprise the petitioner about passing of the detention order against him and his right to file a representation to the District Magistrate, Pulwama as well as to the Government.

13. The detention order so issued against the petitioner came to be executed with alleged arrest of the petitioner purportedly taking place on **01.05.2025** when Sub Inspector Mohd. Yousuf, PID **No. 911597/EXK** of District Police Line, Pulwama detained the petitioner and handed over his person to the Superintendent District Jail, Udhampur on **01.05.2025** itself.

14. The petitioner is said to have been handed over nine (9) leaves compilation comprising of Copy of warrant (1 leaf), Notice of detention (1 leaf), Grounds of detention

(2 leaves), Dossier (2 leaves), Copies of Istegasa (2 leaves), and Beat Report (1 leaf).

15. In addition, the petitioner is said to have been read over and explained the contents of grounds of detention in Urdu as well as Kashmir language which is said to have been understood by him and also apprised of his right to make a representation to the Government.

16. The aforesaid detention order so passed by the respondent No. 2 – District Magistrate, Pulwama came to be approved by issuance of Govt. Order **No. Home/PB-V/876 of 2025** dated **08.05.2025** and the case referred to the Advisory Board for its opinion which came to be tendered on file **No. Home/PB-V/207/2025** dated **21.05.2025** with Advisory Board's finding that the preventive detention of the petitioner is fully justified.

17. It is at this stage of his detention that the petitioner had come forward with the present writ petition filed on **27.05.2025** assailing the exercise of jurisdiction at the end of the respondent No. 2 – District Magistrate, Pulwama in subjecting the petitioner to preventive detention and in this regard in writ petition in para 5,

grounds of challenge came to be set out in sub-para (a) to (x).

18. By virtue of Govt. Order **No. Home/PB-V/1053 of 2025** dated **30.05.2025**, the Govt. of UT of Jammu & Kashmir through its Home Department came to lend its confirmation to the preventive detention Order **No. 12/DMP/PSA/25** dated **30.04.2025** of the respondent No. 2 – District Magistrate, Pulwama, and came to prescribe six months' of detention period of the petitioner with effect from **01.05.2025** to **31.10.2025**.

19. The petitioner came to submit a written representation dated **02.06.2025** thereby seeking recalling/ revocation of his preventive detention.

20. This representation was duly received and acknowledged by the Home Department, Govt. of UT of Jammu & Kashmir against receipt **No. Home/PS/K/25/122** dated **02.06.2025**.

21. From the end of the Home Department. Govt. of UT of Jammu & Kashmir, in terms of communication **No. Home/PBV/207/ 2025** dated **06.06.2025**, inputs were solicited from CID J&K in connection with the

consideration of representation of the petitioner so submitted.

22. In response to aforesaid communication from the Home Department, Govt. of UT of Jammu & Kashmir, CID J&K, by virtue of its communication **No. CID/SSP(A)/ BR/3-M/2018/PUL/3983** dated **15.07.2025**, came to tender its inputs for facilitating the Home Department, Govt. of UT of Jammu & Kashmir to accord consideration to the representation of the petitioner.

23. Acting upon said inputs from CID J&K, the Home Department, Govt. of UT of Jammu & Kashmir by virtue of its communication **No. Home/PB-V/207/2025/(76448645)** dated **23.07.2025** came to apprise the respondent No. 2 – District Magistrate, Pulwama about the rejection of the petitioner's representation being devoid of merit. Copy of this communication was addressed to the Superintendent District Jail, Udhampur with a direction to inform the petitioner regarding the instant disposal of his representation with a further direction to furnish copy of receipt/acknowledgment of said disposal duly signed by the petitioner to the

respondent No. 2 – District Magistrate, Pulwama as being the detaining authority and the Home Department, Govt. of UT of Jammu & Kashmir for the purpose of record without any fail.

24. In response to aforesaid direction of the Home Department, Govt. of UT of Jammu & Kashmir meant upon him, the respondent No. 3 – Superintendent District Jail, Udhampur by virtue of its communication **No. DJU/MS/25/7791-94** dated **25.07.2025** addressed to the Additional Secretary to Govt. of Jammu & Kashmir, Home Department came to apprise the petitioner about the disposal of his representation in terms of communication No. Home/PB-V/207/2025/(76448645) dated 23.07.2025.

25. Counter affidavit to this petition came to be filed from the end of the respondent No. 2 – District Magistrate, Pulwama on **02.08.2025** whereafter this writ petition remained pending for hearing.

26. In the course of this pendency, by virtue of Govt. Order **No. Home/PB-V/1950/2025** dated **28.10.2025** the petitioner's detention period came to be

further extended by another six months to last till **30.04.2026**.

27. It is aforesaid backdrop that this Court has come across with the adjudication of this writ petition when reference made in the very opening para of this judgment about the words of Albert Einstein come into play to expose in broad daylight the situation which can be summed up by observing that the respondents' right hand not knowing what left hand is doing.

28. In this regard, this Court's attention is drawn to the discordance between the factual reference in the Dossier of Sr. Superintendent of Police (SSP), Pulwama and the Grounds of detention formulated by the respondent No. 2 – District Magistrate, Pulwama.

29. In the Dossier, Sr. Superintendent of Police (SSP), Pulwama has referred to calling of the petitioner by a concerned police station twice on **28.02.2025** and **23.04.2025** under section 126/170 BNSS, without divulging which police station and full form of BNSS meaning what, but be that as it may, the respondent No. 2 – District Magistrate, Pulwama in his grounds of

detention refers to two different dates of concerned police station calling the petitioner under section 126/170 BNSS and said two dates being **28.02.2025** and **23.02.2025**.

30. It has bothered least the application of mind on the part of the respondent No. 2 – District Magistrate, Pulwama to read very draft of his grounds of detention to come across with an error that there was no such calling of the petitioner on **23.02.2025** reported in the dossier of the Sr. Superintendent of Police (SSP), Pulwama.

31. In very opening para of the writ petition, the petitioner, acting through his wife, has come up with an assertion that the Police Station Pulwama, without any justification and cause, had arrested the petitioner on **22.04.2025** which date at first glance left this Court speculating as to how the petitioner's wife could come up with such a wild un-substantiated averment of petitioner being arrested on **22.04.2025** whereas the detention order against the petitioner came to be passed on **30.04.2025** and actual arrest of the petitioner being reported on **01.05.2025**. However, the truth comes sneaking out from the very correspondence of the

respondent No. 3 – Superintendent District Jail, Udhampur which is communication **No. DJU/MS/25/7791-94** dated **25.07.2025** addressed to the Additional Secretary to Govt. of Jammu & Kashmir, Home Department wherein the respondent No. 3 – Superintendent District Jail, Udhampur is on record saying that the petitioner is lodged in District Jail, Udhampur with effect from **05.12.2024** meaning thereby even prior to date **22.04.2025** as asserted by the petitioner in his writ petition.

32. Very disturbingly, the respondent No. 3 – Superintendent District Jail, Udhampur refers to the lodgment of the petitioner in District Jail, Udhampur with effect from **05.12.2024** under the J&K Public Safety Act, 1978 by reference to the very impugned order of the respondent No. 2 – District Magistrate, Pulwama which is Order **No. 12/DMP/PSA/25** dated **30.04.2025**.

33. Copy of aforesaid communication of the respondent No. 3 – Superintendent District Jail, Udhampur was duly addressed to the respondent No. 2 – District Magistrate, Pulwama as well.

34. Thus, it occurred to none i.e. Additional Secretary to Govt. of Jammu & Kashmir, Home Department as well as the respondent No. 2 – District Magistrate, Pulwama to bother their attention and concern by calling upon the respondent No. 3 – Superintendent District Jail, Udhampur as to on what basis he came to reflect the fact of petitioner's lodgment in Jail with effect from **05.12.2024**.

35. The aforesaid scenario only reflects that there is no one at the end of the respondents bearing alertness and aliveness to the handling of preventive detention cases which seem to be left to be attended to by the subordinate staff at the disposal of Home Department, Govt. of UT of Jammu & Kashmir as well as District Magistracy otherwise it is inconceivable that glaring errors of such nature would have been spared attention and correction at the end of the respective respondents.

36. This Court is holding back its further observations to come to a conclusion that the preventive detention inflicted upon the petitioner is painful and pinching to the very constitutional sensitivity with which

preventive detention jurisdiction is supposed to be exercised and carried out.

37. In view of the aforesaid facts and circumstances, the preventive detention of the petitioner is hereby declared illegal rendering the impugned detention Order **No. 12/DMP/PSA/25** dated **30.04.2025** passed by the respondent No. 2 – District Magistrate, Pulwama read with consequent approval/confirmation/extension orders passed by the Home Department, UT of Jammu & Kashmir which are also held and declared to be illegal and are, accordingly, quashed.

38. The Superintendent District Jail, Udhampur is directed to restore the petitioner to his personal liberty forthwith.

39. ***Disposed of.***

(RAHUL BHARTI)
JUDGE

SRINAGAR
12 .03.2026
“Opinder”

Whether the judgment is reportable : Yes / No

Whether the judgment is speaking : Yes / No