

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

Reserved on : 03.04.2026
Pronounced on : 04.05.2026

HCP No. 119/2025

**Irfan Majeed Lone, Aged – 36 years
S/o Abdul Majid Lone
R/o Logripora Zaingeer Sopore
through his father Abdul Majeed S/o Abdul Razak**

.....Petitioner

Through: Mr. Arshad Andrabi, Advocate

Vs

- 1. The UT of Jammu and Kashmir through Principal Secretary (Home), Civil Secretariat, Srinagar/ Jammu.**
- 2. Deputy Commissioner/District Magistrate, District Baramulla.**
- 3. Superintendent Kotbhalwal Jail, Jammu.**

..... Respondents

Through: Mr. H. Aman Ali, Dy. AG

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

01. Heard learned counsel for both sides.
02. Perused the writ petition and the annexures therewith and also the counter affidavit filed in response.
03. The petitioner has challenged his preventive detention which came to be ordered by virtue of an **Order No. 04/DMB/PSA/2025** dated **28.04.2025** by the respondent No. 2 – District Magistrate, Baramulla thereby reckoning the

alleged state of activities of the petitioner prejudicial to the Maintenance of Public Order rendering it necessary to detain the petitioner under the Jammu & Kashmir Public Safety Act, 1978.

04. On the basis of said detention order, the petitioner came to be taken into preventive detention custody on **30.04.2025** and the detention order came to be approved by the Govt. in terms of an **Order No. Home/PB-V/757 of 2025** dated **05.05.2025** followed by Advisory Board's opinion report dated **22.05.2025** leading to passing of **Govt. Order No. Home/PB-V/1105 of 2025** dated **03.06.2025** followed by further extension orders meant to last for full period of one year which is coming to expire soon at the time of hearing of this writ petition.

05. The petitioner has assailed his detention as illegal as under the garb of reference to the criminal cases pending against him, the petitioner has been handed over punitive punishment under the garb of preventive detention.

06. A bare perusal of the grounds of detention formulated by the respondent No. 2 – District Magistrate, Baramulla would show that not only the alleged antecedents

of the petitioner forming basis for ordering his preventive detention are stale on which there could not have been any consideration for ordering preventive detention of the petitioner but even those are in the realm of “Law and Order” and not in the arena of “Maintenance of Public Order.”

07. In the light of aforesaid, this Court holds the preventive detention of the petitioner illegal which warrants to be set aside.

08. Accordingly, detention **Order No. 04/DMB/PSA/2025** dated **28.04.2025** passed by the respondent No. 2 – District Magistrate, Baramulla alongwith approval/confirmation order passed by the Govt. of UT of J&K through Home Department are set aside. The petitioner is directed to be restored to his personal liberty by his immediate release from the concerned jail for which the Superintendent concerned to act in abidance.

09. ***Disposed of.***

(RAHUL BHARTI)
JUDGE

SRINAGAR

04.05.2026

Opinder

Whether the judgment is speaking : Yes / No

Whether the judgment is reportable : Yes / No