

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

HCP 169/2024

CM(2887/2024) CM (381/2025)

Reserved on : 09.04.2026

Pronounced on: 20.04.2026

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*Whether the operative part or full judgment is pronounced: **Full***

Maqsad Ali Kohli Petitioner(s)
S/o Maqsood Ali,
R/o Navarunda Tehsil Uri
District Baramulla
Through his brother namely
Mumtaz Ali Kohli aged 46
years

Through :-

Mr. G.M Shah , Advocate

Vs

- 1) Union Territory of J&KRespondent(s)
through Principal Secretary to
Government Home
Department, J&K, Civil
Sectt. Srinagar.
- 2) District Magistrate,
Baramulla.
- 3) Sr. Superintendent of Police,
Baramulla.
- 4) Superintendent of Central
Jail, Kote Bhalwal Jammu
- 5) Station House Officer
Police Station, Uri, District
Baramulla

Through :-

Mr. Hakim Aman Ali, AAG

CORAM: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE
JUDGMENT

PRAYER

- 1) The instant petition has been preferred by the detenu through his brother namely Mumtaz Ali Kohli, under Article 226 of the Constitution of India, wherein following reliefs have been sought:

- (i) *A WRIT OF CERTIORARI, may be issued and the impugned Detention Order passed by the Respondent No, 2 Vide order No. 30/DMB/PSA/2024 Dated 19.04.2024 may be quashed alongwith confirmation order, if any, passed against the detenue.*
- (ii) *A WRIT OF MANDAMUS may be issued and the Respondents may be commanded to set the detenue namely Maqsad Ali Kohli, aged 34 years. S/O Maqsood Ali R/O Navarunda Tehsil Uri District Baramulla at liberty forthwith.*
- (iii) *A WRIT OF MANDAMUS, commanding the respondents to pay the exemplary damages to the tune of Rs. 50,000/- and be commanded to compensate the detenue for being in illegal detention to the tune of Rs. 20.00 lacs.*
- (iv) *Any other Writ, Order or Direction which this Hon'ble Court may deem fit and proper in given circumstances of the case may be issued in favour of the Petitioner*

BRIEF FACTS

- 2) The present Habeas Corpus Petition has been filed challenging the detention of the detenue under Order No. 30/DMB/PSA/2024 dated 19.04.2024, passed by the District Magistrate, Baramulla, in exercise of powers under Section 8 of the J&K Public Safety Act, 1978.
- 3) The detention order is stated to have been passed on the basis of a dossier submitted by the Senior Superintendent of Police, Baramulla, alleging that the detenue was involved in activities prejudicial to the security of the State. Pursuant to the said order, the detenue was taken into custody and is presently lodged in Central Jail, Kot Bhalwal, Jammu. Aggrieved thereof, the petitioner has filed the present petition seeking quashment of the detention order.

SUBMISSIONS ON BEHALF OF THE PETITIONER

- 4) Learned counsel for the petitioner submits that the impugned detention order is illegal, arbitrary, and violative of constitutional safeguards.
- 5) It is contended that the grounds of detention are vague, baseless, and lacking any proximate nexus with the object sought to be achieved. The detenue has not been shown to be involved in any act, and no FIR or criminal case has

been registered against him. The allegations are stated to be based on mere assumptions and conjectures.

- 6) It is further submitted that there has been total non-application of mind on the part of the detaining authority, as the grounds of detention are a verbatim reproduction of the police dossier, thereby demonstrating absence of independent satisfaction.
- 7) The Learned counsel further submits that the material relied upon, including the dossier, FIRs, and statements, was not furnished to the detenu, thereby depriving him of his valuable right to make an effective representation under Article 22(5) of the Constitution of India.
- 8) It is also urged that the detenu is illiterate and not conversant with the English language, yet the grounds of detention were supplied in English without providing any translated version, rendering the right of representation illusory.
- 9) Another limb of argument advanced by the learned counsel is that the detenu was not informed of his right to make a representation to the appropriate authority at the time of execution of the detention order, which vitiates the detention. It is further submitted that the detention order is based on an apprehension relating to forthcoming Parliamentary Elections, which has since ceased to exist, thereby rendering the detention stale and without live nexus.
- 10) Learned counsel also contends that procedural safeguards under the Public Safety Act, including timely approval by the Government and compliance with statutory requirements, have not been adhered to in their true spirit. On these grounds, it is prayed that the impugned detention order be quashed and the detenu be set at liberty.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS

- 11) Per contra, learned counsel for the respondents submits that the detention order has been passed strictly in accordance with law and does not warrant interference. It is contended that preventive detention is a precautionary measure intended to prevent a person from acting in a manner prejudicial to the security of the State, and is not punitive in nature. The detaining authority, upon due consideration of the material placed before it, arrived at the requisite subjective satisfaction.

- 12) It is submitted that the detenu was actively involved in anti-national activities and was working as an Over Ground Worker (OGW) for terrorist outfits, providing logistical support and maintaining links with militants and cross-border handlers. His activities posed a serious threat to the security of the State.
- 13) Learned counsel submits that the grounds of detention are precise, relevant, and based on credible material. The detaining authority has applied its independent mind and the allegation of mechanical reproduction of the dossier is denied.
- 14) It is further submitted that all the material relied upon, including the grounds of detention and supporting documents, was duly furnished to the detenu and explained to him in a language understood by him. The detenu acknowledged the same by affixing his signature.
- 15) It is also contended that the detenu was informed of his right to make a representation to the Government as well as to the detaining authority. Learned counsel submits that the detention order was duly approved by the Government within the statutory period and thereafter confirmed upon the opinion of the Advisory Board, which found sufficient cause for detention.
- 16) It is argued that the scope of judicial review in preventive detention matters is limited, and the Court cannot sit in appeal over the subjective satisfaction of the detaining authority.
- 17) Reliance is placed on settled legal principles to contend that even a single act or credible input indicating threat to security is sufficient to justify preventive detention. On these grounds, it is prayed that the writ petition be dismissed.

LEGAL ANALYSIS

- 18) Heard learned counsel for the parties at length, perused the material on record, and examined the detention record produced by the respondents, this Court proceeds to consider the validity of the impugned order of detention.
- 19) At the outset, it needs to be emphasized that an order of preventive detention results in a serious encroachment upon the personal liberty of an individual, which stands guaranteed under Article 21 of the Constitution of India and is further protected by the procedural safeguards enshrined under Article 22(5). Though the Constitution permits preventive detention, such

power is an exceptional one, and must be exercised strictly in accordance with the safeguards provided under the Constitution and the governing statute.

- 20) It is trite law that the liberty of a citizen cannot be interfered with, and any curtailment thereof must satisfy the test of fairness, reasonableness, and legality. The procedural safeguards provided are not mere formalities but are substantive protections, the breach whereof would render the detention illegal.
- 21) Preventive detention, by its very nature, is not punitive but preventive. It is not aimed at punishing an individual for past conduct but is intended to prevent him from acting in a manner prejudicial to the security of the State or maintenance of public order.

- 22) The Hon'ble Apex Court in **Rekha v. State of T.N., (2011) 5 SCC 244**, has held that:

“it is all very well to say that preventive detention is preventive not punitive”

- 23) The foundation of such detention rests upon the subjective satisfaction of the detaining authority. However, such satisfaction cannot be arbitrary or mechanical. It must be based on relevant, cogent, and proximate material, having a rational nexus with the object sought to be achieved.

- 24) The Hon'ble Supreme Court in **Khudiram Das v. State of West Bengal reported as (1975) 2 SCC 81**, has authoritatively held that:

The only thing which it intended to emphasise was that the detaining authority must exercise due care and caution and act fairly and justly in exercising the power of detention.

But that does not mean that the subjective satisfaction of the detaining authority is wholly immune from judicial reviewability. The Courts have by judicial decisions carved out an area, limited though it be, within which the validity of the subjective satisfaction can yet be subjected to judicial scrutiny.

- 25) Further, the Division Bench of this Court in **Athar Mushtaq Khan vs Union Territory of J&K & Ors. reported as 2024 SCC online J&K 175 (decided on 26.03.2024)** has also observed that:

28. There is no doubt that the Courts cannot, on a review of the grounds, substitute its own opinion for that of the detaining authority, and cannot act as a court of appeal, it is solely the domain of the detaining authority to reach to a subjective satisfaction. However, this does not mean that the subjective satisfaction of the detaining authority is wholly immune from judicial reviewability. The courts have by judicial decisions carved out an area, limited though it be, within which the validity of the subjective satisfaction can yet be subjected to judicial scrutiny.

- 26) It has been further held that the subjective satisfaction must not be a mere assertion of the authority, but must be founded on material which has a reasonable nexus with the purpose of detention.

- 27) In the considered opinion of this Court, while it is not open to the Court to sit in appeal over the satisfaction recorded by the detaining authority, it is nevertheless the constitutional obligation of this Court to ensure that such satisfaction is not illusory, mechanical, or based on non-existent material.

- 28) The power of preventive detention, being drastic in nature, casts a corresponding duty upon the detaining authority to exercise the same with due care, caution, and circumspection. The safeguards provided under the Constitution and the statute are not empty formalities but constitute the only bulwark against arbitrary detention.

- 29) This Court cannot act as a mute spectator, where the liberty of a citizen is curtailed without strict adherence to the mandate of law. If the subjective satisfaction is found to be based on vague, irrelevant, or insufficient material, or if the procedural safeguards have not been strictly followed, the detention order cannot be sustained.

- 30) Thus, the impugned order is required to be tested on the touchstone of the constitutional safeguards, and any deviation therefrom would render the detention legally unsustainable.

31) The law is well settled that the grounds of detention must be clear, specific and unambiguous, so as to enable the detenu to make an effective representation as guaranteed under Article 22(5) of the Constitution of India. The requirement is not a mere formality but a substantive safeguard, the non-compliance whereof strikes at the root of the detention. The detenu must be apprised of definite particulars of the allegations, including the nature of activities, relevant dates, places, and his specific role, so that he is in a position to rebut the same effectively.

32) The Hon'ble Supreme Court in **Prabhu Dayal Deorah Etc. Etc vs The District Magistrate, Kamrup reported as (1974) 1 SCC 103**, has held that:

“Some vagueness seems often unavoidable and can almost invariably be discovered if we search assiduously for it among grounds of satisfaction relating to future course of conduct of an individual about which the detaining authority has to attempt a reasonable and honest forecast. It is only where a vagueness or indefiniteness is disclosed which either makes the satisfaction quite illusory and unreasonable or which really disables a detenu from making an effective representation that a detention is vitiated on such a ground.”

33) This Court in case titled **Tariq Ahmad Napa v. UT of J&K, 2024 SCC OnLine J&K 283, decided on 30-04-2024** has observed that

24. It is manifest from the aforesaid observations of the Supreme Court that if grounds of detention furnished by the detaining authority are not capable of being intelligently understood and sufficiently definite, so as to enable the detenu to make an effective representation, the grounds of detention may be termed as vague. In other words, the detenu may be able to make an effective representation if the details of the facts, on the basis of which conclusion is drawn by the detaining authority, are furnished to him.

34) In the present case, a perusal of the grounds of detention, read in conjunction with the dossier, reveals that the allegations against the detenu are couched in general and sweeping terms, such as his alleged association

with anti-national elements, acting as an Over Ground Worker, and posing a threat to the security of the State. However, there is a complete absence of specific instances, dates, places, or particulars of any specific act attributable to the detenu. The expressions used, such as “credible information” and “deep-rooted connections”, are vague and do not disclose any concrete material. Even the apprehension regarding disruption of the Parliamentary Elections is speculative in nature, without any proximate or tangible basis. Such generalized allegations fail to disclose a live and definite nexus between the detenu’s alleged conduct and the necessity of his detention.

35) In the considered opinion of this Court, the grounds of detention in the present case suffer from inherent vagueness and lack of material particulars, thereby depriving the detenu of his valuable constitutional right to make an effective representation. The failure to furnish precise and specific allegations renders the detention legally unsustainable. It is trite that when the foundation itself is vague, the superstructure built thereon cannot stand. Accordingly, this Court holds that the impugned detention order stands vitiated on account of vagueness of the grounds.

36) It is a settled principle of law that the detaining authority is required to arrive at its own independent subjective satisfaction before passing an order of preventive detention. The satisfaction must reflect due consideration of the material placed before it and cannot be a mere mechanical endorsement of the opinion of the sponsoring authority. The detaining authority is expected to scrutinize the dossier, sift the relevant from the irrelevant, and thereafter record its satisfaction based on its own assessment. Any failure to do so renders the detention order vulnerable.

37) **In Jai Singh v. State of Jammu & Kashmir, reported as (1985) 1 SCC 561** , the Hon’ble Supreme Court deprecated the practice of reproducing the police dossier verbatim and held that

“First taking up the case of Jai Singh, the first of the petitioners before us, a perusal of the grounds of detention shows that it is a verbatim reproduction of the dossier submitted by the Senior Superintendent of Police, Udhampur to the District Magistrate requesting that a detention order may kindly be issued. At the top of the dossier, the name is mentioned as Sardar Jail Singh, father’s name is mentioned as Sardar Ram Singh and the address is given as village Bharakh, Tehsil Reasi. Thereafter it

is recited “The subject is an important member of....” Thereafter follow various allegations against Jai Singh, paragraph by paragraph. In the grounds of detention, all that the District Magistrate has done is to change the first three words “the subject is” into “you Jai Singh, S/o Ram Singh, resident of village Bharakh, S/o Ram Singh, resident of village Bharakh, Tehsil Reasi”. Thereafter word for word the police dossier is repeated and the word “he” wherever it occurs referring to Jail Singh in the dossier is changed into „you” in the grounds of detention. We are afraid it is difficult of find greater proof of non-application of mind. The liberty of a 9 WP(Crl) No. 54/2020 subject is a serious matter and it is not to be trifled with in this casual, indifferent and routine manner.”

- 38) This Court again in the case of **Balbir Chand vs UT of J&K reported as 2021 SCC OnLine J&K 630 decided on 01.09.2021** has held that:

“13.Applying this settled legal position to the facts of the present case, I find that the order impugned cannot stand as it is based on grounds of detention, which is only verbatim copy of police dossier. The order of detention, for the reasons, exhibit total non application of mind on the part of detaining authority and therefore, the petition is allowed.”

- 39) In the present case, a comparative reading of the dossier and the grounds of detention reveals striking similarity in language, structure, and content, leaving little doubt that the grounds are nothing but a reproduction of the dossier. There is no independent analysis, reasoning, or application of mind as apparent from the record. The detaining authority has failed to indicate as to how and why it was satisfied that the detention of the detinue was necessary, beyond merely reiterating the allegations contained in the dossier. Such mechanical exercise of power defeats the very purpose of the statutory requirement of subjective satisfaction.

- 40) In the considered view of this Court, the impugned detention order suffers from complete non-application of mind, as the detaining authority has failed to exercise its independent judgment and has instead mechanically reproduced the contents of the police dossier. The subjective satisfaction recorded, therefore, cannot be said to be genuine or legally sustainable. It is

trite that when the satisfaction itself is vitiated, the order founded thereon cannot survive. Accordingly, the impugned detention order is liable to be quashed on this ground alone.

41) It is a settled proposition of law that the right to make a representation under Article 22(5) of the Constitution of India is a valuable constitutional safeguard, and the same can be effectively exercised only when the detenu is supplied with all the material relied upon by the detaining authority while passing the detention order. The requirement of “communication of grounds” is not confined merely to furnishing the grounds of detention, but extends to supplying all documents, statements, and material forming the basis of such grounds.

42) **The Hon’ble Supreme Court in M.Ahamed Kutty Vs. Union of India and another (1990) 2 SCC 1** has observed that:

“27..considering the facts in the instant case, the bail application and the bail order were vital materials for consideration. If those were not considered the satisfaction of the detaining authority itself would have been impaired and if those had been considered, they would be documents relied on by the detaining authority though not specifically mentioned in the annexure to the order of detention and those ought to have formed part of the documents supplied to the detenu with the grounds of detention and without them 4 the grounds themselves could not be said to have been complete. We have, therefore, no alternative but to hold that it amounted to denial of the detenu's right to make an effective representation and that it resulted in violation of Article 22(5) of the Constitution of India rendering the continued detention of the detenu illegal and entitling the detenu to be set at liberty in this case.”

43) In the present case, though the respondents have asserted that the material was supplied to the detenu, the record does not convincingly demonstrate that all the relied upon documents, including the dossier and other supporting material, were furnished to the detenu in a meaningful manner. There is nothing on record to indicate that the detenu was provided with complete material enabling him to effectively understand and rebut the

allegations. Mere assertions in the reply , unsupported by cogent proof, cannot be accepted as sufficient compliance of the constitutional mandate.

- 44) In the considered opinion of this Court, the failure on the part of the respondents to establish that the entire material relied upon was duly furnished to the detenu has resulted in denial of his fundamental right to make an effective representation under Article 22(5). Such non-compliance strikes at the very root of the detention and renders the same legally unsustainable.
- 45) It is a settled legal position that the detenu must be furnished with the grounds of detention in a language which he understands, so as to enable him to make an effective representation. The constitutional safeguard under Article 22(5) is not satisfied by mere formal supply of documents; rather, the communication must be real and meaningful. If the detenu is unable to comprehend the contents of the grounds, the right to representation becomes illusory.
- 46) The Hon'ble Supreme Court in **Raziya Umar Bakshi vs Union Of India & Ors reported as 1980 SCC(Cri) 846** , has held that
“the service of the grounds of detention on the detenu was a very precious constitutional right and where the grounds were couched in a language which was not known to the detenu, unless the contents of the grounds were fully explained and translated to the detenu, it would tantamount to not serving the grounds of detention to the detenu and would thus vitiate the detention ex-facie.”
- 47) In the present case, it has been specifically pleaded that the detenu is illiterate and not conversant with English, whereas the grounds of detention were furnished in English. The respondents have not placed any convincing material on record to demonstrate that the contents were translated and explained in a language understood by the detenu in a meaningful manner.
- 48) In the considered view of this Court, mere oral explanation, without proper proof and without furnishing translated copies, cannot be said to be sufficient compliance. The failure to communicate the grounds in a language understood by the detenu renders his right to representation ineffective. Accordingly, the detention order stands vitiated on this ground.
- 49) It is well settled that there must be a live and proximate link between the past conduct of the detenu and the necessity of preventive detention. If

the grounds are stale or based on remote or irrelevant considerations, the detention cannot be sustained.

- 50) The Hon'ble Supreme Court in **Khaja Bilal Ahmed vs The State Of Telangana reported as (2020) 13 SCC 632** has been pleased to observe as under:

"The detaining authority stated that the cases which were registered against the appellant between 2009 and 2016 "are not at all considered for passing the detention order" and were "referred by way of his criminal background only". This averment is plainly contradictory. The order of detention does, as a matter of fact, refer to the criminal cases which were instituted between 2007 and 2016. In order to overcome the objection that these cases are stale and do not provide a live link with the order of detention, it was contended that they were not relied on but were referred to only to indicate the antecedent background of the detenu. If the pending cases were not considered for passing the order of detention, it defies logic as to why they were referred to in the first place in the order of detention. The purpose of the Telangana Offenders Act 1986 is to prevent any person from acting in a manner prejudicial to the maintenance of public order. For this purpose, Section 3 prescribes that the detaining authority must be satisfied that the person to be detained is likely to indulge in illegal activities in the future and act in a manner prejudicial to the maintenance of public order. The satisfaction to be arrived at by the detaining authority must not be based on irrelevant or invalid grounds. It must be arrived at on the basis of relevant material; material which is not stale and has a live link with the satisfaction of the detaining authority. The order of detention may refer to the previous criminal antecedents only if they have a direct nexus or link with the immediate need to detain an individual. If the previous criminal activities of the appellant could

indicate his tendency or inclination to act in a manner prejudicial to the maintenance of public order, then it may have a bearing on the subjective satisfaction of the detaining authority. However, in the absence of a clear indication of a causal connection, a mere reference to the pending criminal cases cannot account for the requirements of Section 3. It is not open to the detaining authority to simply refer to stale incidents and hold them as the basis of an order of detention. Such stale material will have no bearing on the probability of the detenu engaging in prejudicial activities in the future.”

- 51) In the present case, the detention is sought to be justified on the ground of apprehended disturbance to the 2024 Parliamentary Elections. However, such apprehension appears to be speculative, and with the passage of time, loses its relevance. No proximate or immediate act has been attributed to the detenu to justify such apprehension.
- 52) This Court finds that the grounds lack proximity and are based on mere apprehension rather than concrete material, thereby snapping the live link required for sustaining preventive detention. On this ground as well, the detention order cannot be sustained.
- 53) Preventive detention laws mandate strict adherence to procedural safeguards, including timely communication of grounds, approval by the Government, and reference to the Advisory Board. Any infraction, however minor, vitiates the detention.
- 54) This court in case titled **Sandeep Singh vs State Of J&K; And Others decided on 21 July, 2017**, has consistently held that:
- To prevent misuse of this potentially dangerous power the law of preventive detention has to be strictly construed and meticulous compliance with the procedural safeguards, however, technical, is, in our opinion, mandatory and vital.*
- 55) In the present case, though the respondents claim compliance, the cumulative effect of deficiencies noted vagueness, non-supply of material, non-application of mind, and lack of proper communication clearly indicates substantial non-compliance.

- 56) This Court is of the considered opinion that the procedural safeguards have not been adhered to in their true spirit. The detention order, therefore, stands vitiated for violation of constitutional and statutory mandates.

CONCLUSION

62. In view of the foregoing discussion and upon a careful evaluation of the material placed on record, this Court is of the considered opinion that the impugned order of detention cannot be sustained in the eyes of law. The grounds of detention, as noticed hereinabove, suffer from inherent vagueness, absence of specific particulars, and lack of any proximate nexus with the object sought to be achieved, thereby rendering the detenu incapable of making an effective representation as guaranteed under Article 22(5) of the Constitution of India.
63. Further, the record reflects that the detaining authority has failed to arrive at an independent and genuine subjective satisfaction, and has merely reproduced the contents of the police dossier in a mechanical manner. Such an exercise strikes at the very root of the statutory requirement and vitiates the detention order.
64. Equally significant is the failure on the part of the respondents to demonstrate that all the material relied upon was furnished to the detenu in a meaningful manner, and in a language understood by him. This lapse has resulted in denial of a valuable constitutional safeguard, thereby rendering the right to representation illusory.
65. Moreover, the grounds of detention are found to be based on speculative and stale considerations, lacking any live and proximate link with the necessity of preventive detention. The apprehension projected by the respondents does not rest on any tangible or concrete material so as to justify the curtailment of personal liberty.
66. The cumulative effect of these infirmities—vagueness of grounds, non-application of mind, non-supply of material, failure of effective communication, and absence of live nexus—leads to an inevitable conclusion that the detention order is legally unsustainable and violative of the constitutional and statutory safeguards governing preventive detention.

67. This Court cannot countenance a situation where the liberty of a citizen is curtailed in disregard of the mandate of law. The right to personal liberty under Article 21 of the Constitution of India is sacrosanct and can be deprived only in accordance with a procedure established by law which is just, fair, and reasonable. The Hon'ble Supreme Court has, in a catena of authoritative pronouncements, unequivocally held that the expression "*procedure established by law*" does not connote any procedure, but one that is right, just, and fair, and not arbitrary, fanciful, or oppressive, failing which, it would be no procedure in the eye of law. Preventive detention laws, though constitutionally permissible, are required to be strictly construed and subjected to rigorous scrutiny on the touchstone of the safeguards embodied in Articles 21 and 22 of the Constitution. It is equally well settled that the procedural protections afforded to a detenu constitute the only effective safeguard against arbitrary exercise of power, and any infraction thereof strikes at the very root of the detention and renders it not sustainable in the eyes of law. Preventive detention, being a drastic and exceptional measure, must therefore withstand the judicial scrutiny, and any deviation from the prescribed safeguards must accrue to the benefit of the detenu.
68. However, in the present case, it becomes manifestly clear that the procedural safeguards contemplated under Article 21 has not been adhered to in its true letter and spirit and the liberty of the detenu, which stands protected under Article 21 of the Constitution of India, has been curtailed without strict adherence to the constitutional and statutory safeguards. Personal liberty, being a most cherished right, cannot be interfered with except by a procedure which is just, fair, and reasonable, and not arbitrary . However, as demonstrated hereinabove, the detention of the detenu suffers from multiple infirmities, including the vagueness of the grounds, absence of specific particulars, non-application of mind, and failure to furnish the complete material in a clear and understandable manner, clearly demonstrate that the detenu has been deprived of his valuable constitutional right to make an effective representation. In these circumstances, the procedure adopted by the respondents cannot be said to be just, fair or reasonable, within the meaning of under Article 21, rendering the impugned detention not sustainable.

69. Accordingly, the impugned detention order bearing No. 30/DMB/PSA/2024 dated 19.04.2024, passed by the District Magistrate, Baramulla, is quashed. The detenu shall be set at liberty forthwith, provided he is not required in connection with any other case. The registry is directed to hand over the record to learned counsel against proper receipt.

69. The petition is, accordingly, disposed of along with connected applications, if any.

(WASIM SADIQ NARGAL)
JUDGE

Srinagar

20.04.2026

MUBASHIR

Whether the order is speaking: Yes

Whether the order is reportable: Yes