

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

Reserved on : 07.02.2026
Pronounced on : 01.04.2026.

HCP No. 190/2025

**Vilayat Aziz Mir, Aged 18 years
S/o Ab. Aziz Mir
R/o Hunipora Wanpora, Tehsil Pulwama, District Pulwama
Through his father
Ab. Aziz Mir, Aged 53 years.**

.....Petitioner

Through: Mr. Wajid Mohammad Haseeb, Advocate

Vs

- 1. UT of J&K through Principal Secretary, Home Department, J&K Govt., Civil Secretariat, Srinagar/ Jammu.**
- 2. District Magistrate, Pulwama.**
- 3. Sr. Superintendent of Police, Pulwama.**

..... Respondents

Through: Mr. Furqan Yaqoub, GA

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

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 detention record produced also scanned thoroughly.
04. The petitioner – Vilayat Aziz Mir, purportedly 18 years of age, found himself landed in preventive detention

custody by reference to an **Order No. 02/DMP/PSA/25** dated **30.04.2025** passed by the respondent No.2 – District Magistrate, Pulwama under the Jammu & Kashmir Public Safety Act, 1978 from which state of custody the petitioner came forward, through his father – Ab. Aziz Mir, with the institution of the present writ petition on **04.06.2025** thereby seeking quashment of preventive detention imposed upon him.

05. As per Sr. Superintendent of Police (SSP), Pulwama, the alleged state of activities of the petitioner was found to be prejudicial to the security of State and, therefore, by virtue of a communication **No. CS/PSA/25/25-28** dated **28.04.2025**, a dossier came to be submitted to the respondent No. 2 – District Magistrate, Pulwama thereby seeking issuance of detention order under the Jammu & Kashmir Public Safety Act, 1978 upon the petitioner so as to keep him detained to prevent him from indulging in activities prejudicial to the security of State.

06. The respondent No. 2 – District Magistrate, Pulwama, on the basis of the dossier so fed, came to formulate the grounds of detention by reference to the fact that the petitioner was having contact with one Shakeel Ahmad @ Gazi R/o Pahalgam on social networking site

Facebook where they came to share their contact numbers and indulging in WhatsApp chat. The petitioner is alleged to have carried out killing of owner of Krishna Dabha at Srinagar by involvement of his two friends who carried out the task on **17.02.2021** by opening fire on the owner of said Krishna Dabha leaving him injured to finally succumb to death resulting in registration of an **FIR No. 11/2021** for alleged commission of offences under sections 302, 120-B IPC, 7/27 of Indian Arms Act and sections 13, 16, 18, 20 of Unlawful Activities (Prevention) Act, 1967 by the Police Station Ram Munshi Bagh Srinagar.

07. The alleged commission of crime by the petitioner and his two accomplices in crime is said to have been done with the petitioner being still in age of minority and, as such, a juvenile who upon his arrested was lodged in the Juvenile Home Harwan, Srinagar later on to be released therefrom but again getting involved with anti-national and subversive activities in the capacity of OGW of killed terrorists Riyaz Ahmad Dar @ Khalid @ Sheeraz R/o Sathergund Kakapora and Rayees Ahmad Dar R/o Larve Pulwama.

08. The petitioner is said to have been subjected to proceedings under section 126 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 on **27.04.2025** but found to

be still working as OGW and, thus, leaving no option except to subject him to preventive detention custody with passing of detention **Order No. 02/DMP/PSA/25** dated **30.04.2025**.

09. The petitioner came to be taken into custody when detention warrant came to be executed by SI Mohd. Yousuf, No. 16/PL, PID No.EXK-911597 of DPL, Pulwama who arrested the petitioner on **01.05.2025** and handed over the person of the petitioner to the Superintendent District Jail, Udhampur by carrying out all the procedural compliances mandated upon the executing officer – SI Mohd. Yousuf.

10. Notice of the detention order and entire material/relevant documents came to be handed over to the petitioner against a proper receipt by reading over and explaining to the petitioner in the local language which came to be understood by the petitioner fully. The petitioner also came to be apprised of his right to make a representation to the Government against the detention order if so desired. The petitioner came to execute a receipt with respect to delivery of the documents and explaining to him the contents of the grounds of detention.

11. By virtue of **Govt. Order No. Home/PB-V/787 of 2025** dated **06.05.2025**, approval came to be granted to the detention **Order No. 02/DMP/PSA/25** dated **30.04.2025**

with case getting referred to the Advisory Board which tendered its opinion, holding the detention of the petitioner justified in terms of opinion report dated **20.05.2025** on the basis whereof the Government came to pass confirmation order vide **No. Home/PB-V/1014 of 2025** dated **23.05.2025** thereby subjecting the petitioner to six months of detention period at first installment with effect from **01.05.2025** till **31.10.2025** which came to be later on extended.

12. From the end of the petitioner, a written representation dated **19.05.2025** came to be addressed to the respondent No. 2 – District Magistrate, Pulwama submitted on **26.05.2025** which came to be processed and rejected by virtue of a communication **No. DMP/PA/25/300-04** dated **26.05.2025**.

13. By virtue of **Govt. Order No. Home/PB-V/1932 of 2025** dated **27.10.2025** the detention period of the petitioner came to be extended with effect from **01.11.2025** to **30.04.2026**.

14. The petitioner has come to assail his preventive detention on the basis of the grounds as set out in the writ petition.

15. The major thrust of challenge to the preventive detention is that the grounds of detention bear no nexus with the petitioner and are all fabricated, as only on sole basis of one FIR the petitioner has been brought under the hit of preventive detention custody and in that regard the fact of petitioner being juvenile at the time of alleged commission of offence is being exploited to question the detention.

16. The petitioner pleads that the alleged commission of offence is of **2021** which constitutes a time distance in the context of the fresh material whereupon the detention could have been considered and ordered. The petitioner has challenged that his representation has not been considered and that rejection of his representation by the respondent No. 2 – District Magistrate, Pulwama is on wrong note. The petitioner pleads that he was not supplied with the full material which compromised his right of making an effective representation.

17. The petitioner is, thus, not only seeking quashment of his detention but also compensation of an amount of Rs. 2 lac.

18. Along with the writ petition, the petitioner has annexed the copy of the detention order, notice of issuance of the detention order in which he came to be apprised of his

right to make a representation both to the District Magistrate, Pulwama and also to the Government by reference to which the petitioner opted to make a representation to the respondent No. 2 – District Magistrate, Pulwama which came to be considered and rejected.

19. The petitioner has also annexed copy of order dated **21.06.2024** of the Presiding Officer, Fast Track Court for POCSO Cases, Srinagar passed in an appeal under the Juvenile Justice Act, 2015 on the basis whereof the petitioner was released from custody of Observation Home on bail on the surety of his father to the satisfaction of Juvenile Justice Board, Srinagar upon terms and conditions as set out in the order.

20. In the counter affidavit filed by the respondent No. 2 – District Magistrate, Pulwama, the preventive detention custody slapped upon the petitioner is being justified with emphasis on the fact that the petitioner by his alleged involvement in a crime announced his potential as a prospective poser of risk to the security of State.

21. When this Court examines the facts and circumstances of the case and the reported tendency of the petitioner in the background of his alleged involvement in the incident of **17.02.2021** which came to be counted not as an

ordinary offence under Indian Penal Code (IPC) but also Unlawful Activities (Prevention) Act and the said incident taking place in the heart of the Srinagar city killing of owner of Krishna Dabha at Srinagar, this Court is convinced that the basis for ordering the preventive detention of the petitioner cannot be faulted with and, therefore, this Court finds no merit in the writ petition to be allowed.

22. The age of the petitioner which is shown to be 18 years cannot count as an element of leniency to weigh in favour of the petitioner when the alleged state of activities of the petitioner are potential risk to the security of UT of J&K at the hands of the petitioner and his handlers as named in the dossier as well as in the grounds of detention.

23. In his representation, the petitioner has not come up with any denial of his association with the above named terrorists Riyaz Ahmad Dar @ Khalid @ Sheeraz & Shakeel Ahmad @ Gazi. In fact, even in order dated **21.06.2024**, the Presiding Officer, Fast Track Court for POCSO Cases, Srinagar has referred to the incident of **17.02.2021** to be a terror attack on Krishna Dabha with involvement of the petitioner herein as well as of one Owais Manzoor and Suhail Fateh Mir and upon the arrest of the petitioner from his house on **19.02.2021** during his personal search alleged

recovery of pistols – 2 Nos, rounds of pistols – 11 Nos and one hand grenade said to have been effected and said killing being a part of criminal conspiracy hatched by a Pakistani based terrorist with the terrorists active in the Valley and their associates which the killing was carried out with a sole motive of spreading a wave of terror in the Srinagar with killing Akash Mehra, the owner of famous Krishna Dabha in Srinagar thronged by tourists and locals in heavy number.

24. In the light of the aforesaid, the writ petition is found to be meritless and ***dismissed***.

25. Detention record to be returned back to the counsel representing the respondents.

(RAHUL BHARTI)
JUDGE

SRINAGAR

01.04.2026

Opinder

Whether the judgment is speaking : Yes / No

Whether the judgment is reportable : Yes / No