

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

*Reserved on: 06.05.2026*

*Pronounced on: 15.05.2026*

*Uploaded on: 15.05.2025*

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

**Full**

**HCP No.107/2025**

RAYEES AHMAD LONE

**...PETITIONER(S)/APPELLANT(S)**

Through: - Mr. G. N. Shaheen, Advocate.

Vs.

UT OF J&K & ORS

**...RESPONDENT(S)**

Through: - Mr. Waseem Gull, GA.

**CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE**

**JUDGMENT**

**1)** Through the medium of present petition, the petitioner has challenged detention order bearing No.04-DMG-PSA-2025 dated 30.04.2025, issued by District Magistrate, Ganderbal, whereby the detenu, namely, ***Rayees Ahmad Lone***, has been placed under preventive detention so as to prevent him from indulging in the activities which are prejudicial to the maintenance of security of the State.

**2)** In the petition, it has been contended that that the allegations/the grounds of detention are vague and mere assertions, on the basis of which no prudent man can make an effective representation. It has been contended that the allegations mentioned in the grounds of detention have no nexus with the detenu and that

the same have been fabricated by the police in order to justify its illegal action of detaining the detenu. It has been contended that the procedural safeguards have not been complied with in the instant case, inasmuch as whole of the material which formed basis of the impugned detention order has not been supplied to the petitioner and that the detenu was not detained in accordance with Section 8 of the Public Safety Act.

3) The respondents, in their counter affidavit, have contended that the impugned detention order is based on a reasonable predilection of future behaviour and the same has been passed after considering the past conduct of the detenu. It has been contended that the activities of the detenu are highly prejudicial to the security of the State. It is pleaded that the detention order and grounds of detention along with the material relied upon by the detaining authority were handed over to the detenu and the same were read over and explained to him. It has been further contended that the detenu was informed that he can make a representation to the government as well as to the detaining authority against his detention. It is also averred in the reply affidavit that all statutory requirements and constitutional guarantees have been fulfilled and complied with by the detaining authority and that the order has been issued validly and legally. The respondents have produced the detention record to lend support to the stand taken in the counter affidavit.

4) I have heard learned counsel for the parties and perused record of the case.

5) Learned counsel for the petitioner, while seeking quashment of the impugned order, projected various grounds but his main thrust, during the course of arguments, was on the ground that the grounds of detention are vague, cryptic lacking in material particulars, which prevented the detinue from making an effective and suitable representation against his detention

6) In the above context, it will be profitable to extract the relevant portions of the grounds of detention, which read thus:

*“...However, subsequent surveillance and intelligence reports indicate that he has not reformed and continues to exhibit a strong ideological alignment with extremist elements...*

*The subject has demonstrated consistent ideological alignment with terrorists and separatist elements inciting the youth, glorifying and supporting militant agendas...”*

7) A perusal of the above quoted extracts of the grounds of detention clearly shows that the same are vague lacking in material particulars. In the grounds of detention, there is no mention of the particulars of the places and the identity of the alleged terrorists, extremist and separatist elements, with whom the petitioner has demonstrated consistent ideological alignment. The particulars of the period when the detinue is alleged to have met these terrorists and separatist elements are also not mentioned in the grounds of detention. Thus, the grounds, being vague lacking in material particulars, the detinue could not have made an effective representation against his detention. Article 22(5) mandates that each ground for detention must be individually specified and not vague, ensuring transparency and accountability in the detention process. The grounds must not be

vague, indefinite or general. Vague allegations make it impossible for the detenu to understand the reasons and effectively challenge the detention.

**8)** A Division Bench of this Court in the recent case titled “**Imran Rashid Rather vs. UT of J&K**” 2024 LiveLaw (JKL) 351 has, while deliberating upon the effect of vagueness of the grounds of detention on the subjective satisfaction of the detaining authority, observed as under:-

*“Therefore, this Court holds that vague and non-specific grounds of detention firstly, violates the fundamental right to life and personal liberty of the detenu under article 21 of the constitution as it summarily curtails the liberty of the citizen based on the subjective satisfaction of the executive which is an exceptional power as against the general law relating to arrest and detention. Secondly, it deprives the detenu of giving a specific rebuttal to the grounds of detention which may satisfy the detaining authority or the Government that his detention is unlawful and compels him to answer the grounds of detention as "it is incorrect" or "it is false" etc. Thirdly, vague and generalised grounds in the order of detention, smacks of arbitrariness on the part of the detaining authority rendering the subjective satisfaction arrived at as violative of article 14 of the constitution and fourthly, vague and non-specific grounds raise the impression that the same has been done deliberately in order to deprive the detenu of giving a precise rebuttal. Malafide in fact may be difficult to establish as they must be pleaded with specific facts, but the lack of bonafides 1State of Bihar Vs. P.P. Sharma, 1992 Supp(1) SCC 222, paragraph 49 - State of Punjab Vs. Gurdial Singh, (1980) 2 SCC 471, paragraph 9 -Pooja Batra Vs. Union of India and others, (2009) 5 SCC 296, paragraphs 18,40 and 41 may be presumed where the executive act results in the deprivation of personal liberty from a detention order based on vague grounds. In such cases, the lack of bonafides is to be presumed due to a cavalier or casual exercise of the authority to detain the citizen without any specific ill will or personal animosity. The lack of bonafides is on account of failure to take due care and act without introspection, blindly on the report*

*of the SP without insisting on supporting material which justifies the deprivation of liberty.”*

9) From the above analysis of the law, it is manifest that vagueness of grounds of detention strikes at the root of the subjective satisfaction of the detaining authority thereby vitiating the order of detention. On this ground alone, the impugned order of detention is liable to be set aside.

10) Apart from the above, it appears that the petitioner has been subjected to preventive detention because of Shri Amarnathji Yatra that was to take place in the year 2025. Since the Yatra period is over long back, therefore, the reason for keeping the petitioner in preventive detention has vanished by now, thereby rendering the need for petitioner's preventive detention unnecessary.

11) For the afore-stated reasons, the petition is allowed and the impugned detention order is quashed. The respondents are directed to release the petitioner from the preventive custody forthwith, provided he is not required in connection with any other case.

12) The detention record be returned to learned counsel for the respondents.

**(Sanjay Dhar)**  
**Judge**

**Srinagar**  
**15.05.2026**

“Bhat Altaf-Shergatiary”

Whether the **judgment** is reportable: **Yes/No**