

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

HCP No. 155/2025

Date of pronouncement : 14.05.2026

Uploaded on : 18.05.2026

Bittu Ram

....Petitioner

Through:- Mr. Satish Kumar Sharma, Advocate

V/s

UT of J&K & Ors.

.....Respondents

Through:- Mr. Suneel Malhotra, GA

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

1. Heard Mr. Satish Kumar Sharma, learned counsel for the petitioner as well as Mr. Suneel Malhotra, learned Government Advocate for the respondents.
2. Perused the writ pleadings and the documents annexed therewith and also the counter-affidavit.
3. The petitioner has become a victim of preventive detention jurisdiction exercised by the respondent No. 2-District Magistrate, Kathua under Jammu and Kashmir Public Safety Act, 1978, in terms of an order **No. PSA/172** dated **24.07.2025** whereby the petitioner came to be ordered to be

detained in order to prevent him from acting in a manner prejudicial to the security of the State.

4. The grounds of the detention, in support of the detention order, are referring to the petitioner's so called objectionable state of activities, all of them purportedly related to proceedings under **section 128 of BNSS** meaning thereby the District Magistrate did not have the time of writing the full form of '**BNSS**' for the full understanding of a layman petitioner- Bittu Ram resident of village Gali Sadotra, tehsil Lohai Malhar as to what is this BNSS as an expression.

5. An ordinary citizen is not supposed to know what is full form/meaning of BNSS until and unless Law and Order Enforcement Agencies as well as the magistrate concerned would themselves not disclose the full form of the abbreviated/initialed expression which in the present case is '**BNSS**' and still the petitioner is referred to be subjected to proceedings under section 128 of BNSS on **20.01.2025** then on **26.01.2025, 05.02.2025 & 21.02.2025** meaning thereby within a period of seven (7) days, the petitioner came to be subjected to proceedings under section 128 of so called '**BNSS**' which this Court is in a position to understand as meaning "**Bharatiya Nagarik Suraksha Sanhita, 2023**".

6. The very fact that within seven (7) days, four (4) times' proceedings under section 128 of the Bharatiya Nagarik Suraksha Sanhita, 2023 stood initiated would mean that none of the proceedings were taken to logical end and still the

petitioner, not being subjected to preventive detention in relation to Maintenance of Public Order, has been put to detention in order to prevent him from acting in a manner prejudicial to the Security of State.

7. In addition to reference of proceedings under section 128 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the District Magistrate, Kathua has referred to the purported Daily Dairy Reports (DDR) of 2025 to co-relate with the proceedings under section 128 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. If on such like premise, a person's fundamental right to personal liberty is allowed to be curtailed then there cannot be a fundamental right risk free from the hands of the District Police as well as the District Magistrate. So much so, even the ordinary law of land would stand unofficially declared to be deficient at the disposal of the District Police as well as the District Magistrate. Therefore, this Court find the preventive detention of the petitioner in the present case as a blatant abuse of the process of law at the hands of the District Police, Kathua complemented by the District Magistrate, Kathua.

9. Thus, this Court holds the detention of the petitioner liable to be quashed and is hereby quashed by quashing the detention order No. **No. PSA/172** dated **24.07.2025** read with approval/confirmation/extension order, if any, passed by the Government of UT of J&K.

10. The petitioner is directed to be restored to his personal liberty forthwith by his release from the District/Central Jail wherever the petitioner is held in detention and for that purpose, the Superintendent concerned to release the petitioner forthwith.

11. *Disposed of.*

**(RAHUL BHARTI)
JUDGE**

**JAMMU
14.05.2026**

Sneha

Whether the judgment is speaking: Yes/No

Whether the judgment is reportable: Yes/No

