



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

Reserved on: 04.06.2026

Pronounced on:30.06.2026

Uploaded on: 01.07.2026

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

HCP No.1/2026

ANWAR JAN (CHOUDHHARY)

...PETITIONERS/APPELLANT(S)

Through: - Mr. M. A. Goni, Sr. Advocate, with
Ms. Tanzeela, Advocate.

Vs.

UT OF J&K AND OTHERS

...RESPONDENT(S)

Through: - Mr. Ilyas Nazir Laway, GA.

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

JUDGMENT

1) The petitioner, through the medium of the petition at hand, has impugned order bearing No.32/DMA/PSA/DET/2025 dated 01.12.2025, issued by District Magistrate, Anantnag, placing the detenu, namely, *Anwar Jan @Anwar Phamda*, under preventive detention in order to prevent him from acting in any manner prejudicial to the maintenance of public order.

2) In the petition, it has been contended that the impugned detention order is bad in the eyes of law as the same is based on baseless and false grounds. It has been



contended that the grounds of detention are founded on surmises and conjectures without there being any plausible and cogent reasons. It has been further contended that the detenu had been admitted to bail in FIR No.55/2025 of P/S Kokernag but this fact has not been mentioned in the grounds of detention, though the said FIR finds mention in the grounds of detention. It has been contended that there has been delay in execution of the impugned detention order which has not been explained by the respondents. It has also been contended that neither whole of the material that formed basis of the grounds of detention nor its translated version has been furnished to the petitioner which has disabled him from making an effective representation against his detention. It has been further contended that there were no compelling reasons for detaining the petitioner under preventive detention laws. It has also been contended that the grounds of detention are verbatim copy of the dossier and the detaining authority has not applied its mind while formulating the grounds of detention. It has been contended that the impugned order of detention has been passed in violation of the procedural safeguards prescribed under the relevant laws.

3) The respondents have contested the petition by filing their reply affidavit, wherein it has been contended that the



purpose of preventive detention is to detain a person and not to punish him for something he has done but to prevent him from doing it. It has been contended that all the statutory requirements and constitutional guarantees have been fulfilled and complied with by the detaining authority. It has been contended that the petitioner is involved in a number of criminal cases and his activities were prejudicial to the maintenance of public order. It has been contended that whole of the material relied upon by the detaining authority has been furnished to the detenu and contents of the same were read over and explained to him; 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 further contended in the reply affidavit that the impugned order has been passed validly, legally and after careful examination of the record/material. 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 including the detention record.

5) Learned Senior Counsel appearing for the petitioner has, while arguing, laid much emphasis on the following grounds:



- (I) That there has been delay in service of grounds of detention upon the petitioner in the instant case, inasmuch as the impugned order of detention has been passed on 1st December, 2025 while as the grounds of detention and the relevant material has been furnished to the petitioner on 19.12.2025. This according to the learned Senior Counsel vitiates the impugned order of detention;
- (II) That the translated version of the grounds of detention and the material relied upon by the detaining authority has not been furnished to the petitioner who is a semi-literate person and this has prevented him from making an effective representation against the detention order, thereby vitiating the same;
- (III) That the petitioner is facing prosecution in substantive offences and, as such, there were no compelling reasons for the detaining authority to pass the impugned order of detention.

6) So far as the first ground of challenge urged by learned Senior Counsel appearing for the petitioner is concerned, in this regard if we have a look at the detention record, the grounds of detention and the material, on the basis of which the same have been formulated by the detaining authority, have been furnished to the detenu on 19.12.2025. It is true that the impugned order of detention has been passed on 01.12.2025 but the record suggests that the warrant of



detention has been executed only on 19.12.2025 and not before that. Thus, it is not a case where, after execution of the warrant of detention upon the detinue, the grounds of detention and other relevant material have been furnished to the detinue after a lapse of considerable period of time but it is a case where the respondents have furnished the material and the grounds of detention on the very same day on which the warrant of detention has been executed upon the petitioner. Before execution of warrant of detention there was no occasion for the respondents to furnish the relevant material to the petitioner. The detinue could not have been provided the material and the grounds of detention even prior to execution of detention order upon him. Thus, there has been no infraction on the part of the respondents in adhering to the legal imperatives as laid down in the J&K Public Safety Act. The contention of learned Senior Counsel appearing for the petitioner is, therefore, without any merit.

7) That takes us to the second contention that has been raised by learned Senior Counsel appearing for the petitioner which relates to non-furnishing of translated version of grounds of detention etc. to the petitioner. In this regard a perusal of the detention record would show that at the time of execution of warrant of detention, the



respondents have furnished to the petitioner the copy of grounds of detention (04 leaves), warrant of detention (01 leaf), notice of detention along with dossier and other documents (77 leaves). In this regard, the petitioner has executed a receipt on 19.12.2025. The Executing Officer has made a report that the contents of the documents supplied to the petitioner have been read over to him in English and explained in Urdu language which he understands fully. The Executing Officer has also sworn an affidavit dated 22.12.2025 in which he has declared that after handing over the documents to the petitioner in presence of Superintendent, District Jail, Bhaderwah, the contents of the same were read over and explained to the petitioner in Urdu which he fully understands.

8) In view of aforesaid material on record, it is clear that the respondents have not only furnished the entire material that has been relied upon for passing the impugned order of detention but they have also explained contents of the same to the petitioner in the language which he understands and to this effect, the Executing Officer has sworn an affidavit. Thus, the contention of learned Senior Counsel appearing for the petitioner is not substantiated from the relevant record.



9) Lastly, it has been contended by learned Senior Counsel appearing for the petitioner that the petitioner is facing criminal prosecution in respect of substantive offences and, therefore, there were no compelling circumstances for the detaining authority to pass the impugned order of detention.

10) In the above context, if we have a look at the grounds of detention, it appears that in the previous past the petitioner was subjected to preventive detention in terms of order No.06/PSA/2018 dated 08.10.2018, issued by District Magistrate, Samba, which was quashed by this Court in terms of judgment dated 22.04.2018 passed in HCP No.11/2019. He was also found involved in as many as six FIRs bearing No.201/2015 of P/S Samba, 256/2015 of P/S Nagrota, 100/2017 of P/S Nagrota, 45/2021 of P/S Larnoo, 60/2021 of P/S Larnoo, and 28/2021 of P/S Larnoo. Besides this, seven more FIRs pertaining to bovine smuggling were registered against the petitioner in District Ramban which include FIR Nos.126/2022, 127/2022, 128/2022, 129/2022, 132/2022, 134/2022 and 137/2022. It is also mentioned in the grounds of detention that another detention order bearing No.02/PSA/2023 dated 03.01.2023 was issued by District Magistrate, Samba, against the petitioner but the execution of the same



was stayed by this Court vide order dated 20.02.2023 passed in WP(C) No.352/2023. The criminal activities of the petitioner continued unabated even after the aforesaid events and as per the grounds of detention, he was again found involved in FIR No.55/2025 for offences under Section 115(2), 126(2), 191(2), 351(2) of BNS and FIR No.121/2025 for offences under Section 109, 126(2), 115(2), 309(4) of BNS registered with P/S Kokernag during the year 2025.

11) The detaining authority, after noticing the aforesaid conduct of the petitioner and observing that continued criminal conduct of the petitioner demonstrate his potential threat to public order, recorded its satisfaction that subjecting the petitioner to preventive detention is necessary for maintenance of public order. The fact that the petitioner has been found involved in at least ten criminal cases registered over a span of last three years is certainly a relevant factor which indicates habitual criminality on his part. These criminal activities of the petitioner relate to offences like attempt to murder, dacoity, rioting, bovine smuggling besides other petty offences like cheating, assault, criminal intimidation etc. These cases disclose a continuing pattern of intimidation of the public on the part of the petitioner. Therefore, the inference drawn by the



detaining authority, that these activities have generated wide spread fear, cannot be termed as without any foundation.

12) The Supreme Court has, in the case of **Haradhan Saha v. State of West Bengal & Ors.**, (1975) 3 SCC 198, held that preventive detention has nothing to do with the commission of an offence by the detenu or any prosecution against him. The Supreme Court has further held that preventive detention can be ordered before or during the prosecution and even with or without prosecution or criminal case against the detenu. It can be made in anticipation.

13) A similar view has been taken by the Supreme Court in the cases of **Naresh Kumar Goel vs. Union of India**, (2005) 8 SCC 276 and **Union of India vs Dimple Happy Dhakad**, (2019) 20 SCC 609.

14) From the foregoing analysis of legal position, it is clear that merely because the petitioner is facing prosecution in substantive offences in a number of FIRs, the detaining authority is not prohibited from taking resort to the extraordinary measure of preventive detention provided there is material on record from which it can reasonably be inferred that the petitioner is a threat to public order. It is



to be noted that subjective satisfaction of the detaining authority to make such an assessment is not subject to judicial review.

15) In the present case, as already stated, there was more than sufficient material available with the detaining authority which would have satisfied it to infer that activities of the petitioner are of such a nature as would endanger the public peace and order. Therefore, no exception can be taken to the action of the detaining authority in passing the impugned order of detention.

16) For what has been discussed hereinbefore, I do not find any ground to interfere with the impugned order of detention. The petition lacks merit and is dismissed accordingly.

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

(Sanjay Dhar)
Judge

SRINAGAR

30.06.2026

“Bhat Altaf-Shergati”

Whether the judgment is reportable: Yes/No