

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

Pronounced on : 29.06.2026

HCP No.395/2024

Mudasir Ahmad Mir

.....Petitioner

Through: Mr. S. T. Hussain, Advocate with
Ms. Nida Nazir, Advocate

Vs

UT of J&K and others

..... Respondents

Through: Mr. Ilyas Nazir Laway, GA vice
Mr. Mohsin S. Qadri, Sr. AAG.

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

01. Heard learned counsel for both sides.

02. Perused the writ record and the documents therewith.

03. The petitioner –Mudasir Ahmad Mir, acting through his wife-Kulsuma, is petitioning this Court for the sake restoration of his personal liberty curtailed by virtue of a detention order under the Jammu & Kashmir Public Safety Act, 1978 inflicted upon him thereby rendering him in the confinement and custody of the Central Jail Kot Bhalwal, Jammu.

04. It is the Sr. Superintendent of Police (SSP), Srinagar who had come forward with a dossier accompanying his letter **No. LGL/Det-PSA/2024/29728-31** dated **11.11.2024** put forth before the respondent No. 2 – District Magistrate, Srinagar in terms whereof exercise of jurisdiction under the Jammu & Kashmir Public Safety Act, 1978 was solicited to subject the petitioner to preventive detention custody in order to prevent him from acting in a manner prejudicial to security of the State.

05. Acting upon said dossier, the respondent No. 2 – District Magistrate, Srinagar came forward with issuance of detention **Order No. DMS/PSA/50 of 2024** dated **03.12.2024** directing the preventive detention of the petitioner by reference to maintenance of security of the State and ordering his confinement in the Central Jail Kot Bhalwal, Jammu.

06. Detention **Order No. DMS/PSA/50 of 2024** dated **03.12.2024** passed by the respondent No. 2 – District Magistrate, Srinagar rested upon the grounds of detention formulated by the respondent No.2 – District Magistrate, Srinagar wherein the petitioner's alleged state of conduct and activities came to be referred to project the petitioner as a

person influenced by radical ideology from early age getting into contact with active terrorists and OGW's of TRF, motivating the petitioner to work for the outfits as an OGW for providing logistic support.

07. The petitioner's criminal antecedent in this regard are referred to by his implication in case **FIR No. 127/2022** registered by the Police Station, Parimpora but getting bailed out on bail on **02.08.2024**.

08. By reference to the Assembly Elections of 2024, the petitioner was alleged to have formed a gang to disrupt the smooth conduct of elections but came to be bound down by an order under section 170/176 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short "BNSS, 2023") on **12.08.2024** and **09.09.2024**.

09. Reckoning that normal law of land is not able to check the petitioner in his alleged indulgences, a case for subjecting the petitioner to preventive detention was conceived and taken to logical effect on the basis of grounds of detention so formulated by the respondent No. 2 – District Magistrate, Srinagar.

10. The petitioner in his writ petition is assailing preventive detention on the grounds as set out in para 3(a) to (t).

11. In the grounds of challenge, the petitioner is urging that without any iota of factual ground at the disposal of the District Police, Srinagar, the dossier was prepared in a mechanical manner on the premise of condemning the petitioner by his past, and not by any of his present state of activity, to which the respondent No. 2 – District Magistrate, Srinagar simply lend his stamp of authority acting as a post-office to the District Police, Srinagar rather than custodian of fundamental right to personal liberty of the petitioner.

12. The preventive detention order came to be approved, confirmed and extended from time to time but when this Court came to examine the detention record produced for the perusal sake, this Court has not come across with last extension order related to preventive detention custody of the petitioner on the file.

13. This Court is under no iota of doubt that in the matter of production of detention record, the concerned authorities are under a solemn and bounden obligation to

place complete and entire detention record before the Court with utmost responsibility, diligence and accuracy.

14. The Home Department of the Government of the Union Territory of Jammu & Kashmir appears to be reckoning and reeling under an impression as if the summoning of detention record by the High Court in a habeas corpus writ petition is a mere formality to be complied with by handing over a photostat copy of the record through a Clerk to the Government Advocate for onward transmission to the Court, without the Commissioner/Secretary, Home Department, Government of the Union Territory of Jammu & Kashmir first verifying the record file to ensure that the detention record in its entirety is made available for the perusal of the constitutional court which in turn is under a constitutional obligation to safeguard the personal liberty of citizens, be it an undertrial, a detainee, or a free citizen.

15. In view of the aforesaid act of omission or commission on the part of the respondents in the matter of maintaining proper documentation relatable to the preventive detention of the petitioner, this Court is of firm view that further preventive detention custody of the petitioner cannot

be legitimized when even a constitutional court is not being apprised of the order on the basis whereof the detention period came to be extended last for the petitioner to suffer preventive detention custody.

16. In view of the aforesaid, this Court hereby quashes the preventive detention custody of the petitioner and directs his immediate release from the concerned Jail to which effect the Superintendent concerned to act in abidance.

17. ***Disposed of.***

18. Detention record produced be returned back to the counsel representing the respondents.

(RAHUL BHARTI)
JUDGE

SRINAGAR
29.06.2026
Opinder

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