HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Reserved on *29 .10.2026*
Pronounced on *05.11.2026*
Uploaded on *06.11.2026*

Whether the operative part or full judgment is pronounced: Full

HCP No. 34/2026

Aslam Khan th. his father
Juneed Ahmed Alias Janat Khan.

...Petitioner /Appellant(s)

Through: - Mr. Rajnesh Singh Parihar, Advocate

vs.

Union Territory of J&K and others **...Respondent(s)**

Through: - Mr. Sumeet Bhatia, GA

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

JUDGMENT

1. The petitioner, through the medium of the present writ petition, has challenged Order No. 01-PSA of 2026 dated 24.01.2026, issued by the District Magistrate, Udhampur, respondent No. 2 herein, whereby the petitioner, namely, Aslam Khan, S/o Zuneed Ahmed, R/o Narsoo, Tehsil and District Udhampur, has been placed under preventive detention with a view to prevent him from acting in any manner prejudicial to the maintenance of public order.

2. The impugned order of detention has been challenged by the petitioner on the grounds that the same has been issued mechanically and without application of mind. It has been contended that the grounds of detention are a verbatim reproduction of the police dossier. It has further been

contended that the incidents alleged in the grounds of detention are not of such a nature as would endanger public order and that the alleged activities of the petitioner do not have the potential to disturb public order. It has also been contended that the alleged activities of the petitioner have neither resulted in communal tension nor caused any public unrest and, therefore, it was not open to the detaining authority to pass the impugned order of detention. It has further been contended that the grounds of detention and other relevant documents have not been provided to the petitioner in a language understood by him, nor were the contents of the same explained to him. It has also been submitted that the petitioner was not informed of his right to make a representation against the order of detention before the detaining authority as well as before the Government.

3. The respondent-detaining authority has filed its counter affidavit, wherein it has been submitted that the impugned order of detention has been passed after due examination of the entire record annexed with the police dossier. It has been contended that the activities of the petitioner have significantly disturbed public order and instilled fear among the local citizens. It has been submitted that the petitioner, by establishing a nexus with other criminals and by organizing bovine smuggling operations, posed a direct threat to the peaceful coexistence of the community. It has further been submitted that the activities of the petitioner have fostered feelings of animosity and discord within the community, particularly because his alleged involvement in the illegal trafficking of cattle has deeply angered a particular segment of the

population, thereby giving rise to an apprehension of a potential disturbance of public order in District Udhampur.

4. It has further been submitted that despite having been convicted in two cases, the petitioner has shown no remorse and he has failed to mend his ways, as such, the detaining authority was left with no alternative but to pass the impugned order of detention. It has also been submitted that the entire material forming basis of the grounds of detention has been furnished to the petitioner and that the contents thereof were read over and explained to him in Urdu/Dogri, languages, which he fully understands. He was also made aware of his right to make a representation against the order of detention.

5. I have heard learned counsel for the parties and perused the record of the case. I have also gone through the detention record.

6. The first ground urged by the petitioner for challenging the impugned order of detention is that the activities allegedly attributed to him do not pose any threat to public order. It has been submitted that the petitioner is alleged to be involved in bovine smuggling and that such acts can be dealt with under the ordinary criminal law as the same do not endanger tempo of life. The learned counsel, in support of his contention, has placed reliance upon the judgments passed by this Court in the cases of *Din Mohd Wani v. UT of J&K and Others*, [HCP No. 35/2026, decided on 06.10.2026] *Makhan Lal @ Makhni v. UT of J&K*, [HCP No. 91/2025, decided on 13.02.2026] and *Hamid Mohd v. UT of J&K and Others*, [HCP No. 4/2024, decided on 06.08.2024].

7. In the above context, it is to be noted that, in the present case, the grounds of detention make reference to FIR No. 24/2023 of Police Station Chenani, FIR No. 98/2025 of Police Station Chenani and FIR No. 110/2023 of Police Station Batote. All these three FIRs relate to the transportation of bovine animals towards Kashmir for the purpose of smuggling/slaughtering. FIR No. 24/2023 has culminated in the conviction of the petitioner. The challan in FIR No. 98/2025 has been produced before the competent Court. So far as FIR No. 110/2023 of Police Station Batote is concerned, the petitioner has also suffered conviction in the said case as well.

8. In all the aforesaid FIRs it is alleged that the petitioner was found transporting bovine animals for slaughtering purposes. A perusal of the seizure memos relating to the FIRs, which have been referred to in the grounds of detention, reveals that the bovine animals also included cows, which are held in reverence by a particular religious community. The detaining authority has recorded in the grounds of detention that the activities of the petitioner have the potential to incite religious hatred and provoke retaliatory violence, thereby jeopardizing the fragile communal harmony in the area. It has further been recorded by the detaining authority that the illegal trade in cattle is perceived by certain religious groups as being intended for slaughter, which offends their religious beliefs and, consequently, fuels a sense of religious persecution. On the basis of these observations, the District Magistrate has apprehended that the activities of the petitioner have the potential to hurt the sentiments of a particular community at large and create feelings of enmity and

disharmony on religious grounds, thereby disturbing public order in the area. The apprehension expressed by the detaining authority cannot be termed imaginary, particularly in view of the allegation that the petitioner was transporting bovine animals, including cows, for slaughtering purposes.

9. It is a settled law that the subjective satisfaction of the detaining authority cannot ordinarily be a subject matter of judicial review unless the same is based on flimsy grounds or appears to be irrational or extraneous to the object sought to be achieved. In the present case, the alleged activities of the petitioner offer a reasonable basis for the detaining authority to apprehend that the same may lead to a disturbance of public order. The subjective satisfaction arrived at by the detaining authority, in the facts and circumstances of the present case, cannot be said to be based on flimsy grounds nor can the same be termed as irrational. This Court, as such, cannot undertake a judicial review of the subjective satisfaction recorded by the detaining authority. The contention raised by learned counsel for the petitioner is, therefore, without any merit.

10. So far as the judgments referred to and relied upon by the petitioner are concerned, the same have been delivered in the peculiar facts and circumstances of those cases. In those cases, the bovine animals were not being transported for slaughtering purposes, whereas, in the present case, there are specific allegations that the petitioner was transporting bovine animals, including cows, for slaughtering purposes. Therefore, the ratio

laid down in the aforesaid judgments cannot be applied to the facts of the present case.

11. So far as the contention of the petitioner that the entire material relied upon by the detaining authority has not been supplied to him is concerned, the same is without any substance. A perusal of the detention record reveals that the petitioner was supplied a total of 34 leaves, comprising the grounds of detention (4 leaves), PSA warrant (1 leaf), notice of detention (1 leaf), and dossier/FIRs and other relevant documents (28 leaves). The receipt executed by the petitioner shows that the contents of the aforesaid documents have been explained to him in Urdu and Dogri languages. The executing official, PSI Ravinder Singh, has also furnished an undertaking to the effect that he has briefed the petitioner about the grounds of detention in a language understood by him. In view of the aforesaid material available on record, the contention of the petitioner that whole of grounds of detention have not been furnished to him or that the contents of the material relied upon by the detaining authority have not been explained to him, appears to be contrary to the record.

12. It has also been contended that the petitioner was not informed about his right to make a representation against the impugned order of detention. In this regard, a perusal of the copy of the notice of detention dated 24.01.2026 placed on record by the petitioner, reveals that he was duly informed of his right to make a representation against the order of detention before the District Magistrate as well as before the

Government. Thus, the contention raised by the petitioner in this regard is, therefore, without any substance.

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

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

(SANJAY DHAR)
JUDGE

Jammu:
05.11.2026
Karam Chand

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

HIGH COURT
JAMMU & KASHMIR AND LADAKH