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Regular

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

Reserved on: 01.04.2026
Pronounced on: 13.11.2026

HCP 287/2025.

Zeeshan Shafi Sheikh.

... Petitioner(s)

Through: Mr. Sameer Qayoom, Advocate.

VERSUS

UT of J&K & Anr.

...Respondent(s)

Through: Mr. Ilyas Nazir Laway, Government Advocate.

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

JUDGMENT

1. Heard learned counsel for the petitioner as well as learned counsel for the respondents.
2. Perused the writ pleadings and the documents annexed therewith.
3. The petitioner- **Zeeshan Shafi Sheikh,** acting through his father- **Mohd Shafi Sheikh,** has petitioned this Court by filing present writ petition on **28.08.2025,** whereby the petitioner is seeking his release from preventive detention custody which he has been suffering with effect from **09.08.2025,** under the Jammu and Kashmir Public Safety Act, 1978, while being lodged in Central Jail, Jammu, Kot Bhalwal.
4. The petitioner's preventive detention is sourced to a dossier submitted by the Senior Superintendent of Police (SSP), Anantnag,

vide his letter **No. CS/71/2025/14147-52** dated **05.08.2025,** to the respondent No. **2- the District Magistrate, Anantnag.**

5. The respondent No. **2- District Magistrate, Anantnag,** by reference to the dossier so submitted with respect to the petitioner by the Senior Superintendent of Police (SSP), Anantnag, came to formulate the grounds of detention stating therein the petitioner's criminal antecedent by reference to his involvement in a criminal case under **FIR No. 255/2020** of the Police Station Qazigund, Kulgam, involving commission of offence(s) under the Unlawful Activities (Prevention) Act, 1967, in which the petitioner upon being tried came to earn acquittal on **03.07.2025.**

6. The petitioner is stated to have revealed, upon his interrogation after his acquittal and release, that he had got and remained in touch in the year **2017** with a terrorist named **Haroon Rashid Ganie**, S/o **Ab Rashid Ganie, of Hassanpora Tavella**, who, in turn, was affiliated with a terrorist organization- **LeT/TRF Outfit** and that said terrorist was the maternal brother of the petitioner.

7. By reference to his aforesaid individual adverse antecedent, so to say, the petitioner came to be profiled in the grounds of detention as a deeply radicalized person, perceived as a significant threat to the safety and security of peace-loving citizens in the District Anantnag, with credible inputs indicating that the petitioner was likely to re-engage in terrorist activities, particularly in the Bijbehara area. The petitioner is stated to be luring the youth towards terrorism.

8. The grounds of detention refer to the fact that the petitioner came to be bound down under section 126 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

9. Thus, the petitioner's state of personal liberty was reckoned to be highly prejudicial to the security of the State/UT of J&K warranting curtailment of his personal liberty in preventive detention custody which led to the passing of detention order **No. 29/DMA/PSA/DET/2025** dated **08.08.2025** by the respondent No. **2- District Magistrate, Anantnag**, ordering the preventive detention of the petitioner and his confinement in the Central Jail, Jammu, Kot Bhalwal.

10. The petitioner, acting through his father, came to address a written representation dated **22.08.2025** to respondent No. **2- District Magistrate, Anantnag**, thereby seeking revocation of the detention order so slapped upon him.

11. The petitioner, in his writ petition, has assailed his detention on the grounds as set out in **Para 7 (A) to (K).**

12. The petitioner refers to the fact that no appeal was preferred by the State/UT of J&K against his acquittal in the criminal case relating to **FIR No. 255/2020** which is a pointer to the fact that the petitioner's implication in the criminal case was baseless and misconceived and his innocence vindicated.

13. The petitioner has alleged procedural lapses in relation to his preventive detention custody as ordered by respondent No. **2- District Magistrate, Anantnag.**

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14. The grounds of detention feeding the impugned detention order are assailed as being baseless and frivolous, without any factual content or intent, and resting purely on the self-serving opinion of the Senior Superintendent of Police (SSP), Anantnag, as reciprocated and repeated by the respondent No. **2- District Magistrate, Anantnag.**

15. The petitioner has stated that there is no shade of difference between the text of the dossier framed and forwarded by the Senior Superintendent of Police (SSP), Anantnag, and the grounds of detention formulated by respondent No. **2- District Magistrate, Anantnag,** which is reflective of the fact that the same is mechanical and indicative of non-application of mind on the part of the aforesaid two authorities, whereby the petitioner's fundamental right to personal liberty has been curtailed with impunity.

16. In the counter affidavit filed by respondent No**. 2- District Magistrate, Anantnag,** the preventive detention of the petitioner is sought to be safeguarded by stating that the same was the compulsion of the time and that, therefore, by following all the procedural mandates, the petitioner came to be ordered to be detained under preventive detention custody.

17. The petitioner's preventive detention came to be approved in terms of Government **Order No. Home/PB-V/1568 of 2025** dated **12.08.2025,** followed by the Advisory Board's opinion holding the petitioner's preventive detention as resting upon justifiable grounds, which then facilitated the issuance of the confirmation order vide

Government **Order No. Home/PB-V/1626/2025** dated **26.08.2025.**

18. The representation filed on behalf of the petitioner by his father is said to have been disposed of, about which the petitioner came to be notified on **11.10.2025.**

19. When this Court examines the very facts and circumstances relating to and attending upon the preventive detention of the petitioner in the light of the submissions made from both sides, this Court's attention is immediately drawn to the fact that the only purported feeding factual situation being read against the petitioner is by reference to **FIR No. 255/2020** in which, notwithstanding his acquittal, the Senior Superintendent of Police (SSP), Anantnag, continued to see the petitioner through the lens of the said criminal case hoisted upon the petitioner, meaning thereby that the Senior Superintendent of Police (SSP), Anantnag, exploited the proverb which is *"Give a dog a bad name and hang him."*

20. This Court does not find any factual basis worth name otherwise obtaining on the record of the case, whereby anyone with prudence could be led to conceive of depriving a person of his fundamental right to personal liberty, except on self-serving assumptions and the judgment thereupon.

21. This Court has no hesitation in holding that the petitioner's preventive detention rested upon a hollow dossier, and the same came to be borrowed by the respondent No. **2 – District Magistrate, Anantnag,** without bothering his independent

application of mind, and thus, the process of law came to be turned into an abuse of law vis-à-vis the petitioner's fundamental right to personal liberty.

22. In the light of the aforesaid, this Court holds the petitioner's preventive detention as illegal in the eyes of law, without bearing any factual or legal basis, and resultantly, preventive detention Order **No. 29/DMA/PSA/DET/2025** dated **08.08.2025** passed by the respondent **No. 2- District Magistrate, Anantnag,** read with the approval/confirmation/extension orders, are held illegal and quashed.

23. The petitioner is directed to be released to his personal liberty forthwith from the Central Jail, (Kot Bhalwal), Jammu.

24. **Disposed of.**

(RAHUL BHARTI)
JUDGE

SRINAGAR
13.11.2026
Bisma Jan.

Whether the judgment is speaking : Yes.