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

Reserved on: 05.11.2026
Pronounced on: 27.11.2026
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Whether the operative part or full judgment is pronounced: ***Full***

HCP No.219/2025

FAIZAN AKHTER BHAT

...PETITIONER(S)/APPELLANT(S)

Through: - Mr. Wajid Haseeb, Advocate.

Vs.

UT OF J&K & ORS **...RESPONDENT(S)**

Through: - Mr. Maha Majid, Assisting Counsel, vice
Mr. Mohsin Qadiri, Sr. AAG.

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

JUDGMENT

1) Through the medium of present petition, the petitioner has challenged detention order bearing No.DMS/PSA/27/ 2025 dated 02.06.2025, issued by District Magistrate, Srinagar, whereby the detenue, namely, ***Faizan Akhter Bhat alias Faizan***, has been placed under preventive detention so as to prevent him from indulging in the activities which are prejudicial to the security of the State.

2) It has been contended that the allegations mentioned in the grounds of detention have no nexus with the detenue and that the same have been fabricated by the police in order to justify its illegal action of detaining the detenue. It has been

contended that grounds of detention are vague and non-existent, on the basis of which no prudent man can make an effective representation. It has been contended that the detenue was already admitted to bail in case FIR No.38/2020 of P/S Khanyar but this fact has not been mentioned in the grounds of detention which exhibits non-application of mind on the part of the detaining authority. It has also been contended that the procedural safeguards have not been complied with in the instant case, inasmuch as whole of the material which formed basis of the grounds of detention and the translated version thereof has not been supplied to the petitioner and that the representation filed by the petitioner against his detention has not been considered by the respondents.

3) The respondents, in their counter affidavit, have contended that the impugned detention order has been passed after proper application of mind and that the same is based on reasonable prediction of future behaviour considering the petitioner's past conduct in the light of surrounding circumstances. It has been further contended that the detenue is an active conduit of banned terrorist organization ISJK and he aids and abets terrorist activities carried out by the banned terrorist organization in and around the area of Khanyar. It has been contended that the

detenue's activities have created enormous hardships for the general public as they cannot live a normal life because of the disturbance created by the detenue. It has been contended that the detenue was providing logistic support to the terrorists operating in the area. It has been further contended that the detenue has been indulging in the activities which are highly prejudicial to the security of the State. It has been averred that that whole of the material relied upon by the detaining authority while passing the impugned detention order has been furnished to the detenue and contents of the same were read over and explained to him. It has been further contended that the detenue was informed that he can make a representation to the government as well as to the detaining authority against his detention. It has been averred that all statutory requirements and constitutional safeguards have been adhered to and complied with by the detaining authority and that the order has been issued validly and legally. It has also been contended that the detention of the detenue has been ordered strictly in accordance with the provisions of J&K Public Safety Act. 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.

5) Learned counsel for the petitioner has, during the course of arguments, laid emphasis on the following grounds for assailing the impugned order of detention:

(I) That merely on the basis of initiation of proceedings under Section 126 of BNSS, the order of detention could not have been passed against the petitioner;

(II) That the material relating to the proceedings under Section 126 of BNSS has not been supplied to the petitioner;

(III) That the allegations made in the grounds of detention against the petitioner are vague, lacking in material particulars, as a result of which the petitioner could not make a suitable representation against the impugned order of detention;

(IV) That the petitioner was not conveyed the result of the representation made against the impugned order of detention; and

(V) That the order granting bail to the petitioner does not find mention in the grounds of detention, which reflects non-application of mind on the part of the detaining authority.

6) So far as the first ground urged by the petitioner is concerned, in this regard, a perusal of the grounds of detention would reveal that the petitioner has been bound down in terms of Section 126/170 BNSS on 23.04.2025 and 03.05.2025. In this regard, the detention record would show that the police has filed two complaints against the petitioner

before the Executive Magistrate seeking initiation of action against him under Section 126 of BNSS. There is also material on record to show that the police itself has exercised its powers under Section 170 of BNSS/151 Cr.P.C. on several occasions and detained the petitioner in order to prevent him from committing any cognizable offence. The material on record also shows that at least on one occasion, the Executive Magistrate, 1st Class, Khanyar, has taken the proceedings under Section 107 Cr.P.C. to its logical conclusion by remanding the petitioner to custody for three days. Thus, it cannot be stated that the respondents have merely initiated proceedings under Section 126 of BNSS/107 of Cr.P.C. against the petitioner. The record suggests that on several occasions, these proceedings were taken to their logical conclusion and even the police has exercised its power under Section 151 Cr.P.C. to detain the petitioner with a view to prevent him from indulging in commission of cognizable offences.

7) The detaining authority has recorded satisfaction that despite taking all these steps, the petitioner is intent upon compromising with anti-national elements to instigate violence and chaos. The apprehension of the detaining authority is not imaginary but is founded on the previous conduct of the petitioner and his repeated tendency to indulge

in similar activities even after having been proceeded under Section 107/151 Cr.P.C. (126/170 BNSS) on several occasions. Thus, there were compelling reasons for the detaining authority to pass the impugned order of detention. The contention of the petitioner in this regard is, therefore, without any merit and is, accordingly, rejected.

8) The contention of the petitioner that the material relating to proceedings under Section 126/170 BNSS has not been furnished to him is also without any merit because, as per the execution report available in the detention record, the petitioner has received a total of 60 leaves, which includes the material on the basis of which proceedings under Section 126/170 of BNSS were initiated against him. This material includes the patrol book and the inputs received from the sources by the police agency. A perusal of these inputs would reveal that the petitioner was indulging in the activities prejudicial to the security of the State. Even the identity of the sources is mentioned in the material available in the detention record, which has been furnished to the petitioner. Thus, it cannot be stated that the petitioner has not been furnished the material on the basis of which the detaining authority has passed the impugned order of detention.

9) The contention of the petitioner that allegations made in the grounds of detention are vague is also without any

substance. It is mentioned in the grounds of detention that the petitioner was bound down under Section 126/170 of BNSS on 23.04.2025 and 03.05.2025. The material available on record, which has been supplied to the petitioner, gives vivid details about the activities in which the petitioner is alleged to have indulged, which is based upon the reports received by the police. Thus, the petitioner was not hampered from making a representation against the impugned order of detention. In fact, the petitioner has made a comprehensive representation against the impugned order of detention, a copy whereof has been annexed with the writ petition. In the said backdrop, the contention of the petitioner in this regard is without any merit.

10) So far as the representation made by the petitioner against the impugned order of detention is concerned, the detention record would reveal that the same has been received by the Government during the middle of June, 2025, and it was placed before the Advisory Board on 24.06.2025. The Advisory Board considered the representation and rendered its opinion for rejection of the same. At the relevant time, the petitioner was also heard through virtual mode. The result of disposal of the representation was conveyed to the petitioner in terms of communication dated 30.06.2026.

Thus, it cannot be stated that the petitioner has not received the information with regard to disposal of his representation.

11) Lastly, it has been contended that the order granting bail does not find mention in the grounds of detention. It is true that the orders granting bail to the petitioner in FIR No.75 of 2015 and FIR No. 38 of 2020 of P/S Khanyar do not find mention in the grounds of detention, but it is noted in the grounds that the petitioner was detained under Public Safety Act vide detention order dated 15.04.2021, and upon its expiry, he was released from detention. From this it can be inferred that the detaining authority was aware about the fact that the petitioner was out of custody when the impugned order of detention came to be issued. Thus, non-mentioning of bail order, in the facts and circumstances of the case, would not amount to non-application of mind on the part of the detaining authority.

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

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

(Sanjay Dhar)
Judge

Srinagar
27.11.2026
"Bhat Altaf-Secretary"

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