

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

WP(Crl) no. 778/2022

Muzamil Manzoor War

.....Petitioner(s)

Through: Mr. Shafqat Nazir, Advocate

Vs.

UT of J&K & ors.

...Respondent(s)

Through: Ms. Insha Haroon, GA
Mr. Jehangir Dar, GA

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
12.05.2023

1. Through this writ petition, a very disturbing scenario has been presented before this Court which cannot be left to be dealt with in a routine manner except at the cost of undermining the Rule of Law which is meant to govern and is governing this Country irrespective of place or region.
2. This petition has been presented by the petitioner through his father aggrieved of the fact that notwithstanding quashment of the preventive detention of the petitioner in terms of an Order dated 11.02.2022 passed by this Court in WP(Crl) no.146/2020, the petitioner has not yet earned release of his person and restoration of his liberty from illegal confinement at the hands of the respondents.
3. A perusal of this Court's order dated 11.02.2022 reveals that the preventive detention order dated 17.08.2022 passed by the District Magistrate, Baramulla under Section 8(a) of the J&K Public Safety Act, 1978 with respect to the petitioner's preventive detention

came to be quashed by holding the very said order suffering from non-application of mind on the part of the District Magistrate, Baramulla. The quashment of the preventive detention order of the petitioner earned a consequent direction from this Court unto the writ-respondents of WP(CrI) No. 146/2020 to release the petitioner forthwith if not required in any other case.

4. In terms and furtherance of the detention order, the detention place of the petitioner was first in District Jail Jammu, and then to Central Jail, Agra where he is reported to be still in detention notwithstanding the quashment of the detention order in terms of the said order of this Court.

5. Through this writ petition filed through his father, the petitioner is begging for his release and also for compensation for his continuing illegal custody amounting to wrongful confinement.

6. A prima facie case is made out of serious violation of the fundamental right of the petitioner as guaranteed under Article 21 of the Constitution of India.

7. Issue notice to the respondent no. 2, District Magistrate, Baramulla.

8. Mr. Jehangir Dar, learned Government Advocate, accepts notice on behalf of the respondent no.2.

9. In the meantime, the District Magistrate, Baramulla is directed to produce the person of the petitioner before this Court on the next date of hearing on which date the District Magistrate, Baramulla, shall also remain present in person.

10. List on 29th May, 2023.

11. A copy of this order be forwarded by the Registrar Judicial, Srinagar to the District Magistrate, Baramulla, for notice and compliance.

(RAHUL BHARTI)
JUDGE

SRINAGAR
12.05.2023
Yasmeen, Secy