

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

HCP 22/2026 CM(979/2026).

Javid Ahmad Zargar.

...Applicant(s)/Petitioner(s)

Through: Mr. Wajid Mohammad Haseeb, Advocate.

VERSUS

Union Territory Of J And K And Others.

...Respondent(s)

Through: Mr. Mohsin S. Qadri, Senior AAG with
Ms. Maha Majeed, Assisting Counsel.

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER
06.03.2026

01. Prima facie, this is the case of patent and recurring absentmindedness on the part of both sponsoring authority as well as preventive detention order-making authority with respect to the manner in which the preventive detention of the petitioner came to be solicited by the Superintendent of Police, Kulgam through a dossier dated **14.12.2023** and subsequently sanctioned by the Divisional Commissioner, Kashmir with a detention order dated **25th April, 2024**, when the petitioner was already in custody as an undertrial in connection with **FIR No. 182/2023** only to come out of his undertrial custody upon the pronouncement of acquittal judgment dated **10.02.2026** passed by the Principal Sessions Judge, Kulgam in a criminal case on **File No. 21/S**.

02. Said acquittal judgment dated **10.02.2026** passed by the Principal Session Judge, Kulgam was meant to earn the petitioner restoration of his personal liberty.

03. However, without even stepping out of the Central Jail Kot Bhalwal Jammu, the stale detention order **No. DIVCOM-“K”/100/2024** dated **25.04.2024** is said to have been executed on **11.02.2026**, thereby keeping the petitioner in continuing state of confinement in the same very Central Jail Kot Bhalwal Jammu.

04. Finding himself being deprived of his personal liberty by reference to the detention order **No. DIVCOM-“K”/100/2024** dated **25.04.2024** purportedly passed by the Divisional Commissioner, Kashmir acting under Section 3 of Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substance Act, (PIT NDPS),1988, the petitioner has come to petition this Court with a habeas corpus petition through his brother on **25.02.2026** with an averment made in the writ petition that it is only on **11th February, 2026** in the Central Jail Kot Bhalwal, Jammu that the execution of the detention warrant came to take effect thereby keeping the petitioner detained in the Central Jail Kot Bhalwal, Jammu.

05. This Court cannot let this case go on a ritual mode of inviting response from the respondents' end without putting some effective order/direction in place at first instance and that is the Superintendent, Central Jail Kot Bhalwal, Jammu is directed to produce the detenu- Javid Ahmad Zargar S/o Ghulam Mohd Zargar R/o Okey Kulgam District Kulgam in person along with the Jail

Diary record related to timing of service and execution of the detention warrant on the petitioner.

06. Superintendent, Central Jail Kot Balwal, Jammu is directed to appear in person along with detenu- Javid Ahmad Zargar or to depute some Subordinate Jail Official along with detenu- Javid Ahmad Zargar for his appearance in the Court on **24th March, 2026.**

07. This Court also directs the Superintendent of Police, Kulgam to remain present in person on said date **i.e., 24th March, 2026** along with the record related to the execution of the detention warrant by reference to detention order **No. DIVCOM-“K”/100/2024** dated **25.04.2024** passed by the Divisional Commissioner, Kashmir.

08. A copy of this order by provided to Mr. Mohsin S. Qadri, learned Senior AAG, for notice and compliance at the end of two officials above named i.e., Superintendent, Central Jail Kot Balwal, Jammu and the Superintendent of Police, Kulgam.

(RAHUL BHARTI)
JUDGE

SRINAGAR
06.03.2026
Bisma Jan.