

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

CM/1260/2025 in
HCP/186/2024

NADEEM AHMAD DAR

...Appellant(s)/Petitioner(s)

Through: Mr. Asif Nabi, Advocate.

Vs.

UNION TERRITORY OF J&K AND
ORS.

...Respondent(s)

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER

27.03.2025

1. The order dated 26.03.2025 is self-sufficiently exhibiting an emergency involved in the matter relating to medical condition of the petitioner who is a detenu and is going to complete one year out of his two years of preventive detention period reckoning from 16.04.2024 itself.
2. A preventive detention detenu, by no stretch of legal reference and understanding is to be and can be taken to be equivalent as an under trial/convict. The enjoyment of fundamental rights of a preventive detention detenu is fully secured to him except the component of his personal liberty in the contest of his physical moment which gets curtailed. Thus, in case detenu comes to suffer some medical condition/ailment and if the detenu would reckon that he is not getting due medical attention by the efforts and expenses of the State and Jail Authority then he/she may have an occasion to seek suspension of

detention for enabling him/her to attend his/her medical condition upon his/her own expenses and efforts.

3. This is where this case is poised.
4. List this matter again on 2nd of April.
5. In case, if on the next date of hearing, there is repeat of no representation on behalf of the respondents this court shall be well within its jurisdiction to take a call in the matter at the risk and cost of the defaulting counsel for the respondents.

(RAHUL BHARTI)
JUDGE

SRINAGAR:
27.03.2025

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