



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

*Reserved on: 16.04.2026*

*Pronounced on: 08.05.2026*

*Uploaded on: 08.05.2025*

*Whether the operative part or  
full judgment is pronounced:*

**Full**

**HCP No.274/2025**

UBAID GULZAR PANDITH

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

Through: - Mr. S. T. Hussain, Sr. Advocate, with  
Ms. Nida Nazir, Advocate.

Vs.

UT OF J&K & ANOTHER

**...RESPONDENT(S)**

Through: - Mr. Haarish Khan, Assisting counsel vice  
Mr. Mohsin Qadiri Sr. AAG.  
Mr. Jahingeer Dar, GA.

**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/30/2025 dated 11.06.2025, issued by District Magistrate, Srinagar, whereby the detainee, namely, ***Ubaid Gulzar Pandith***, has been placed under preventive detention so as to prevent him from indulging in the activities which are prejudicial to the maintenance of public order.

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



impugned detention order has been passed without application of mind as the grounds of detention are vague, non-existent and stale, on the basis of which no prudent man can make a representation against such allegations. It has been further contended that the procedural safeguards have not been complied with in the instant case, inasmuch as whole of the material has not been provided to the petitioner. It has been further urged that there has been non-application of mind on the part of detaining authority while passing the impugned detention order as the detenue was already admitted to bail in one of the FIRs mentioned in the grounds of detention but the said fact is not mentioned in the grounds of detention and that the representation submitted by the petitioner against the impugned detention order has not been considered as no result of consideration has been conveyed to him.

3) The respondents, in their counter affidavit, have contended that the detenue was constantly in contact with the anti-national/anti-social elements and was greatly influenced by radical ideology and started instigating local youth to indulge in criminal/anti-national and anti-social activities. It has been contended that the grounds of detention are precise, proximate, pertinent and relevant and there is no vagueness or staleness therein. It has been contended that the material that formed basis of the grounds of detention has been furnished to the detenue and he was informed that he has a right to make a representation to the detaining authority as also to the government. It has been contended that the impugned order has been



issued strictly in accordance with the law governing the field. Respondents have produced the detention record in support of the assertions made 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, while seeking quashment of the impugned order, projected various grounds but his main thrust, during the course of arguments, was on the ground that the grounds of detention are vague, cryptic and lacking in material particulars, which prevented the detainee from making an effective representation against his detention

6) A perusal of the above quoted extracts of the grounds of detention clearly shows that the same are vague lacking in material particulars. In the grounds of detention, there is no mention of the particulars of the places and the identity of the alleged anti-national and anti-social elements, with whom the petitioner was in contact. The particulars of the period when the detainee is alleged to have met these anti-national and anti-social elements are also not mentioned in the grounds of detention. Thus, the grounds, being vague lacking in material particulars, the detainee could not have made an effective representation against his detention. Article 22(5) mandates that each ground for detention must be individually specified and not vague, ensuring transparency and accountability in the detention process. The grounds must not be vague, indefinite or general. Vague allegations



make it impossible for the detenu to understand the reasons and effectively challenge the detention.

7) A Division Bench of this Court in the recent case titled “**Imran Rashid Rather vs. UT of J&K**” 2024 LiveLaw (JKL) 351 has, while deliberating upon the effect of vagueness of the grounds of detention on the subjective satisfaction of the detaining authority, observed as under:-

*“Therefore, this Court holds that vague and non-specific grounds of detention firstly, violates the fundamental right to life and personal liberty of the detenu under article 21 of the constitution as it summarily curtails the liberty of the citizen based on the subjective satisfaction of the executive which is an exceptional power as against the general law relating to arrest and detention. Secondly, it deprives the detenu of giving a specific rebuttal to the grounds of detention which may satisfy the detaining authority or the Government that his detention is unlawful and compels him to answer the grounds of detention as “it is incorrect” or “it is false” etc. Thirdly, vague and generalised grounds in the order of detention, smacks of arbitrariness on the part of the detaining authority rendering the subjective satisfaction arrived at as violative of article 14 of the constitution and fourthly, vague and non-specific grounds raise the impression that the same has been done deliberately in order to deprive the detenu of giving a precise rebuttal. Malafide in fact may be difficult to establish as they must be pleaded with specific facts, but the lack of bonafides 1State of Bihar Vs. P.P. Sharma, 1992 Supp(1) SCC 222, paragraph 49 - State of Punjab Vs. Gurdial Singh, (1980) 2 SCC 471, paragraph 9 -Pooja Batra Vs. Union of India and others, (2009) 5 SCC 296, paragraphs 18,40 and 41 may be presumed where the executive act results in the deprivation of personal liberty from a detention order based on vague grounds. In such cases, the lack of bonafides is to be presumed due to a cavalier or casual exercise of the authority to detain the citizen without any specific ill will or personal animosity. The lack of bonafides is on account of failure to take due care and act without introspection, blindly on the report of the SP without insisting on supporting material which justifies the deprivation of liberty.”*



8) From the above analysis of the law, it is manifest that vagueness of grounds of detention strikes at the root of the subjective satisfaction of the detaining authority thereby vitiating the order of detention. On this ground alone, the impugned order of detention is liable to be set aside.

9) For the afore-stated reasons, the petition is allowed and the impugned detention order is quashed. The respondents are directed to release the petitioner from the preventive custody forthwith, provided he is not required in connection with any other case.

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

Srinagar

08.05.2026

"Bhat Altaf-Szegy"

(Sanjay Dhar)  
Judge

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