



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

Reserved on: 27.04.2026

Pronounced on:08.05.2026

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

HCP No.347/2024

ABDUL NAJAM SAQIB@SAQIB

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

Through: - Mr. Ishfaq Bashir, Advocate, with
Mr. Abdullah Raashid, Advocate.

Vs.

UT OF J&K & ANOTHER

...RESPONDENT(S)

Through: - Mr. Jahingeer Dar, GA, with
Ms. Shaila Shamee, Assisting Counsel.

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/29/2024 dated 11.10.2024, issued by District Magistrate, Srinagar, whereby the detinue, namely, **Abdul Najam Saqib @Saqib**, 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 made in the grounds of detention are vague and mere assertions of the detaining authority, on the basis of which no prudent man



can make a representation against such allegations. It has been further contended that whole of the material relied upon by the detaining authority has not been provided to the petitioner, which incapacitated him from making an effective representation. It has been contended that there is no proximate link between the detention order and the object sought to be achieved by passing the said detention order. It has also been contended that the grounds of detention are replica of the grounds of detention that had formed basis of the earlier order of detention and that there has been non-application of mind on the part of detaining authority while passing the impugned order of detention.

3) The respondents, in their counter affidavit, have contended that the grounds of detention are precise, proximate, pertinent and relevant. It has been submitted that the whole of the material that formed basis of the grounds of detention has been furnished to the petitioner and he was informed that he has a right to make representation to the detaining authority as also to the government. It has been contended that the activities of the petitioner are highly prejudicial to the security of the State/UT of Jammu and Kashmir which compelled the detaining authority to pass the impugned order of detention and that the impugned order has been passed strictly in accordance with law and in this regard



all procedural safeguards have been followed. The respondents have also 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 following grounds:

- (I) That there is no proximate and live link between the activities mentioned in the grounds of detention and the imperative need to pass the impugned order of detention.*
- (II) That fresh grounds of detentions are replica of grounds of detention on the basis of which the petitioner was subjected to preventive detention on previous occasion.*
- (III) That there are no specific allegations in the grounds of detention which has prevented the petitioner from making an effective and suitable representation against the impugned order of detention.*

6) So far as the first ground urged by the petitioner is concerned, a perusal of the grounds of detention would reveal that it refers to the alleged activities of the petitioner which had led to registration of FIR Nos.51/2017 and 52/2017 of Police Station, Nowhatta. These activities relate to June, 2017. The detaining authority has made reference to these activities only with a view to note the past conduct of the petitioner which has definite bearing upon the subjective



satisfaction of the detaining authority as regards the requirement of placing the petitioner under preventive detention. It is not that the petitioner has been subjected to preventive detention only on the basis of his past conduct relating to his alleged activities of June, 2017 but a perusal of the grounds of detention would reveal that it bears reference to alleged activities of the petitioner which compelled the authorities to bind him down on 14.09.2024 in terms of Section 126/170 of BNSS. The grounds of detention further go on to note that the petitioner has recently been in contact with Pakistan based TRF handler Ahmad Khalid. These alleged activities of the petitioner are very recent in nature. Therefore, contention of the petitioner that he has been taken into preventive custody on the basis of stale incident is without any substance.

7) The second ground that has been urged by learned counsel for the petitioner is that fresh grounds of detention are replica of previous grounds of detention on the basis of which he was previously subjected to preventive detention.

8) In the above context, a perusal of the grounds of detention would reveal that the petitioner was detained under the provisions of Public Safety act vide order No.DMS/PSA/115/2022 dated 10.09.2022 and upon expiry of the detention period he was released. The grounds of detention go on to note



this fact. However, it is also mentioned in the grounds of detention that after his release from the previous preventive detention, the petitioner continued to indulge in illegal activities which were prejudicial to the security of the State, whereafter he was kept under surveillance and was bound down on 14.09.2024 in terms of Section 126/170 of BNSS. It has also been noted in the grounds of detention that the petitioner has recently been found to be in contact with a Pakistan based TRF handler. These subsequent events were not forming the grounds of detention at the time when order dated 10.09.2022 (supra) was passed against the petitioner. The contention of the petitioner in this regard is, therefore, without any merit.

9) Lastly, it has been argued that there are no specific allegations made against the petitioner in the grounds of detention. As already noted, there are specific allegations levelled in the grounds of detention against the petitioner. It has been specifically stated in the grounds of detention that the petitioner, after his release from previous preventive detention, continued to indulge in the activities prejudicial to the security of the State which compelled the concerned authorities to bind him down on 14.09.2024 in terms of Section 126/170 of BNSS. It has also been noted that as per credible inputs, the petitioner is in contact with Pakistan



based TRF handler Ahmad Khalid through encrypted messenger application to recruit fresh module of young boys to undertake terrorist activities. Thus, there are specific allegations made in the grounds of detention as regards the alleged activities of the petitioner which are prejudicial to the security of the State. The contention of the petitioner in this regard is, therefore, wholly misconceived.

10) For the foregoing reasons, I do not find any ground to interfere with the impugned order of detention. The petition lacks merit and is dismissed accordingly.

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



**(Sanjay Dhar)
Judge**

Srinagar
08.05.2026
"Bhat Altaf-Secy"

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