



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

Reserved on: 02.07.2026

Pronounced on: 17.07.2026

Uploaded on: 17.07.2026

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

HCP No.91/2025

ZAHID AHMAD MIR

...PETITIONERS/APPELLANT(S)

Through: - Mr. M. A. Makroo, Advocate.

Vs.

UT OF J&K AND OTHERS

...RESPONDENT(S)

Through: - Mr. Bikram Deep Singh, Dy. AG.

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

JUDGMENT

1) The petitioner, through the medium of the petition at hand, has impugned order of bearing No.03/DMS/PSA of 2025 dated 28.04.2025, issued by District Magistrate, Shopian, placing the detenue, namely, *Zahid Ahmad Mir* under preventive detention so as to prevent him from acting in any manner prejudicial to the security of the State (UT).

2) The petitioner has contended that the impugned order has been issued in breach of law and there has been total non-application of mind on the part of the detaining authority while passing the impugned order. It has been contended that the grounds of detention are vague and cryptic in nature. It has been further contended that no fresh activity has been alleged



against the petitioner after his release from bail in FIR No.97/2022. It has been contended that whole of the material that formed basis of the impugned detention order has not been supplied to the petitioner and that he has not been given information regarding his right of filing representation against his detention.

3) The respondents have contested the writ petition by filing their reply affidavit, wherein they have contended that the detainee is a hardcore OGW of Let/HM terrorist organizations and facilitator of activities of these militant outfits. It has been contended that the detainee was a close associate of jailed OGW Abid Ahmad and he has remained in constant contact with him through encrypted social media applications. It is pleaded that whole of the material relied upon by the detaining authority has been furnished to the detainee and the same was read over and explained to him and that the detainee was informed that he can make a representation to the government as well as to the detaining authority against his detention. It is further contended in the reply affidavit that all statutory requirements and constitutional guarantees have been fulfilled and complied with by the detaining authority and that the impugned order has been issued validly and legally. The respondents have also produced the detention record to lend credence to the stand taken in the counter affidavit.



4) I have heard learned counsel for parties and perused the record.

5) Although the petitioner has raised a number of grounds for assailing the impugned order of detention yet, during the course of arguments, learned counsel for the petitioner has laid much emphasis on the ground that in the grounds of detention no fresh activity has been attributed to the petitioner after his release on bail and that the grounds of detention are vague. It has also been contended that FIR No.97/2022 registered with Police Station, Shopian, could not have formed basis for issuance of impugned order of detention as the detainee was juvenile at the relevant time

6) If we have a look at the grounds of detention, it is alleged therein that in the year 2022, the detainee along with his close associates (OGWs) Abid Ahmad Shah and Farooq Ahmad Sheikh decided to kill non-local labourers at Chidren Keegam on the directions of valley based Pak handler Arjumand Gulzar and in order execute this plan, jailed OGW Abid Ahmad received a pistol which went off accidentally and a bullet hit the leg of OGW Farooq Ahamd Sheikh and in this regard, FIR No.97/2022 for offences under Section 307 IPC, 7/27 Arms Act, and Section 20 of UAP Act was registered with Police Station, Shopian. In the said FIR the detainee was later on



released on bail by the Juvenile Justice Board, Shopian, in terms of order dated 16.08.2022.

7) From the above narration of facts, it is clear that the petitioner has been released on bail on 16.08.2022. What were the fresh activities that compelled the detaining authority to pass the impugned order of detention are not forthcoming from the perusal of the grounds of detention. The grounds of detention and the detention record produced by the respondents are silent as to the particulars of the fresh activities that have been allegedly undertaken by the petitioner after his release on bail in the aforesaid FIR on 16.08.2022. Neither the particulars of the places nor the details about the activities are mentioned in the grounds of detention. In the face of this position, the ground projected by the petitioner appears to be forceful. Without there being any particulars with regard to the alleged activities of the petitioner after having secured bail in the aforesaid FIR and without there being any material on record to support the assertion of the detaining authority in this regard, the impugned order of detention becomes vulnerable and, as such, the same deserves to be set aside.

8) Apart from the above, the detainee, admittedly, was juvenile at the time of his arrest in FIR No.97/2022 and his release on bail, which fact is substantiated by the communication dated 18.07.2022 forming Annexure-IV to the petition, addressed by the Headmaster, Govt. High School,



Ahagam, Shopian, to SHO, P/S Keegam, wherein date of birth of the detinue is mentioned as '15.10.2006', meaning thereby he was less than 18 years of age at the time of his arrest in the aforesaid FIR. An illegal act committed by a juvenile does not stigmatize his future and likewise, an illegal act committed by a juvenile cannot form basis for issuance of a detention order subsequently, more particularly when the juvenile cannot be detained under the Public Safety Act. Therefore, the detinue could not have been detained under preventive laws for the activities alleged committed by him at the time when he was a juvenile. (Refer '**Tahir Riyaz Dar v. UT of J&K & Ors.**' (LPA No.121/2025 decided on 06.11.2025). Thus, the impugned order of detention is not sustainable in law.

9) For the foregoing reasons, the petition is allowed and the impugned order of detention is quashed. The detinue is directed to be released from the preventive custody forthwith provided he is not required in connection with any other case.

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

(Sanjay Dhar)
Judge

SRINAGAR

17.07.2026

"Bhat Altaf-Szeretary"

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