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Regular

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

HCP 22/2026 CM(979/2026)

JAVID AHMAD ZARGAR

..... Petitioner(s)

Through: Mr. Wajid Haseeb, Advocate.

V/s

UNION TERRITORY OF J AND K AND OTHERS

..... Respondent(s)

Through: Mr. Mohsin Qadiri, Sr. AAG with
Ms. Maha Majeed, Assisting Counsel.

Officer in Court:

Mr. Nisar Ahmad, Dy. SP Hqrs. Kulgam
Mr. Anwar Hussain, Sub Inspector

Coram:

Hon'ble Mr. Justice Rahul Bharti, Judge

ORDER

24.03.2026

1. In furtherance of order dated **06.03.2026**, the petitioner-Javid Ahmad Zargar, as being detenu, has been brought in person by Sub Inspector Anwar Hussain from the District Police Line, Jammu. Mr. Nisar Ahmad, Dy. SP Hqrs. Kulgam is present also.
2. The context in which this Court was constrained to direct personal appearance of the detenu is set out in the order dated **06.03.2026** after having found that the impugned detention **Order No. DIVCOM "K"/100/2024 dated 25.04.2024**, pursuant to which the petitioner came to be taken into custody, is nothing but a sheer abuse of process of law originated by the Superintendent

of Police, Kulgam who took the liberty of even keeping the respondent No. 2-Divisional Commissioner, Kashmir uninformed about the fact that the petitioner was already in custody/confinement as an undertrial in connection with criminal case with respect to **FIR No. 182/2023** registered by the Police Station, Kulgam before coming out upon acquittal in terms of judgment dated **10.02.2026** only to be taken into confinement again by reference to the impugned detention **Order No. DIVCOM “K”/100/2024 dated 25.04.2024.**

3. By no stretch of factual and legal premise, this Court can allow the impugned detention **Order No. DIVCOM “K”/100/2024 dated 25.04.2024** to stay and survive otherwise this Court would become privy to trampling of a fundamental right of personal liberty of the petitioner at the hands of the respondents by resorting to preventive detention jurisdiction without any basis except ego satisfaction of the then Superintendent of Police, Kulgam who framed a dossier for subjecting the petitioner to preventive detention despite being fully aware and cognizant of the fact that the petitioner was not a free man at the relevant point of time so as to count his personal liberty status as prejudicial to

the intendment of Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988.

4. In the aforesaid facts and circumstances of the case, this Court declares the custody of the petitioner to be illegal and restores him to his personal liberty forthwith from the court room itself.
5. In case the petitioner is warranted in any pending criminal case, then the course of law would take its own effect.
6. Disposed of as above.
7. A copy of this order be provided to Mr. Mohsin Qadiri, learned Senior Additional Advocate General under the seal and signature of Bench Secretary of this court for the sake of notice of all concerned in particular at the end of the Superintendent, Central Jail, Kotbhalwal, Jammu.

(Rahul Bharti)
Judge

SRINAGAR

24.03.2026

Aasif

Whether the order is speaking Yes/No

Whether the order is reportable Yes/No