

Serial No.89
Supplementary cause list

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

...

HCP No. 30/2026

Irfan Akbar Malla and Others.

.....Petitioner(s)

Through:

*Mr. Z. A. Shah, Sr. Advocate with Mr. Saleem Gul, Advocate.*

**Versus**

UNION TERRITORY OF J AND K AND ORS.

.....Respondent(s)

Through:

*Mr. Mohsin Qadiri, Sr. AAG with Mr. Illiyas Nazir, GA*

**CORAM:**

**HON'BLE MS JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE**

**ORDER**

**31.03.2026**

1. By the present Habeas Corpus petition, the petitioners are seeking a direction upon the respondents to refrain from detaining them under and in terms of the provisions of the Public Safety Act in connection with their alleged involvement in case FIR No. 27/2026 registered at Police Station Batmaloo. A further restraint is sought upon respondents from taking any coercive steps in the nature of preventive detention against the petitioners on the basis of the aforesaid FIR.
2. Learned Senior Counsel, Mr. Z. A. Shah, appearing for the petitioners, submits that the petitioners apprehend that, at the instance of the complainant, the respondent-authorities may invoke the provisions of the Public Safety Act against them, despite the fact that the incident in

respect whereof the aforesaid FIR has been lodged is already the subject matter of investigation under substantive penal law.

3. Mr. Mohsin Qadiri, learned Senior AAG, submits on instructions, obtained on the directions of this Court, that the respondent-authorities, as on date, have no intention to detain the petitioners under the Public Safety Act on the basis of FIR No. 27/2026.
4. Notice is waived by Mr. Illiyas Nazir, learned GA, on behalf of the respondents. He seeks and is granted four weeks' time to file reply/response, with an advance copy to the counsel for the other side.
5. In the meantime, the respondents are directed not to detain the petitioners in connection with their alleged involvement in the incident which occurred on 12.03.2026, and in FIR supra, without prior permission of this Court. The petitioners are directed to file an undertaking before the Registrar Judicial of this Court affirming that they shall not take the law into their own hands and shall refrain from repeating the alleged incident dated 12.03.2026 or any similar conduct in future.
6. List on 24.04.2026.

**(MOKSHA KHAJURIA KAZMI)**  
**JUDGE**

Srinagar  
31.03.2026  
"Shaista"