

Regular List
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Serial No. 07
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**HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU**

**HCP No. 9/2026**

Date of pronouncement : 13.05.2026

Uploaded on : 14.05.2026

Reham Ali

.....Petitioner

Through:- Mr. Iqbal Hussain, Bhat, Advocate  
Mr. S. H. Qazi, Advocate.

**V/s**

UT of J&K & Ors.



सत्यमेव जयते

.....Respondents

Through:- Mr. Pawan Dev Singh, Dy. AG.

**CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE**

**ORDER**

**01.** Heard Mr. Iqbal Hussain Bhat, learned counsel for the petitioner as also Mr. Pawan Dev Singh, learned Dy. AG for the respondents.

**02.** Perused the writ pleadings and the record therewith.

**03.** The petitioner-Reham Ali is throwing challenge to his preventive detention custody which has been effected by virtue of an order No. **PSA 19 of 2025** dated **28.10.2025** passed by the respondent No. 2-District Magistrate, Jammu in exercise of power under **section 8(1)(a)** of the **Jammu & Kashmir Public Safety Act, 1978** by reckoning the alleged reported state of activities of the petitioner being prejudicial to the maintenance of Public Order.

**04.** The petitioner came to be directed to be arrested and lodged in the District Jail Poonch to serve detention custody.

**05.** The case for preventive detention of the petitioner was sponsored by the District Police Jammu through its Senior Superintendent of Police (SSP) who, by virtue of dossier No. **CRB/Dossier/2025/32/DPOJ** dated **18.10.2025**, enlisted the criminal antecedents of the petitioner by reference to the criminal cases reckoning from **FIR No. 354/2022** to **FIR No. 118/2025**.

**06.** Thus, by reference to seven FIRs, the petitioner was reckoned to be a person whose liberty was being found prejudicial to the maintenance of Public Order.

**07.** All the FIRs referred in the grounds of detention have a common reference to commission of offences under the Prevention of Cruelty to Animals Act, 1960 which is relatable to the alleged involvement of the petitioner in transportation of cattle/bovine.

**08.** The respondent No. 2-District Magistrate, Jammu came to draw subjective satisfaction from the grounds of detention wherein the petitioner came to be referred to as a habitual criminal with substantive law proving insufficient to deter him or curb his criminal activities and his continuing regular involvement in bovine smuggling.

**09.** The petitioner came to be taken into custody on **01.11.2025** when detention warrant executing officer - Mr. Sohail Munir, PSI of Police Station Kanachak, Jammu had taken the petitioner into custody and delivered to him 174 leaves' compilation related to his preventive detention order.

**10.** The petitioner, acting through his father, came forward with the institution of this writ petition on **02.02.2026** when he had already spent three months of detention period out of the maximum period of one year.

**11.** By the time this petition is coming up for adjudication, the petitioner has already served six months of detention period custody.

**12.** Mr. Iqbal Hussain Bhat, learned counsel for the petitioner, cites a judgment passed by this Bench in **HCP No. 4/2024** related to the preventive detention of detenu-Hamid Mohd., proceeding identically on the lines as is in the present case.

**13.** This Court has no hesitation to hold that the preventive detention of the petitioner is misconceived by reference to maintenance of Public Order as the petitioner, at the best, is a problem on the law and order side for which the provisions of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 are fully equipped if those are meant to be activated by the law and enforcement agency in realistic manner, but since the District Magistrate, Jammu has come up with a very apologetic assessment that ordinary law of the land has failed that assessment cannot form a basis for ordering preventive detention of a person to deprive him of his fundamental right of personal liberty.

14. Therefore, this Court **allows** this writ petition by quashing detention order No. **PSA 19 of 2025** dated **28.10.2025** passed by the respondent No. 2-District Magistrate, Jammu along with approval/confirmation order passed by the Govt. of UT of Jammu & Kashmir.

15. Petitioner is directed to be restored to his personal liberty by release from the District Jail Poonch or wherever the petitioner is being held in detention for which the Superintendent concerned shall abide by the direction.

16. The present writ petition is, accordingly, **disposed of.**



सत्यमेव जयते

**(RAHUL BHARTI)**  
**JUDGE**

**JAMMU**  
**13.05.2026**

*Bunty....*

Whether the order is speaking: Yes/No

Whether the order is reportable: Yes/No