

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1.) Nos.2833-2834/2020

(Arising out of impugned final judgment and order dated 28-05-2020 in LPA No. 28/2020 and EMG-CM No. 5/2020 passed by the High Court of Jammu&kashmir at Srinagar)

MIAN ABDUL QAYOOM

Petitioner(s)

VERSUS

UNION TERRITORY OF JAMMU AND KASHMIR &amp; ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.55927/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 29-07-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE AJAY RASTOGI  
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. Dushyant Dave, Sr. Adv.  
Ms. Vrinda Grover, Adv.  
Mr. Soutik Banerjee, Adv.  
Ms. Ratna Appender, Adv.  
Mr. Aakarsh Kamra, AOR

For Respondent(s) Mr. Tushar Mehta, SG  
Mr. K.M.Nataraj, ASG  
Mr. N.Venkataraman, ASG  
Mr. Kanu Agrawal, Adv.  
Mr. Shailesh Madiyal, Adv.  
Mr. B.V.Balram Das, AOR

Mr. Tushar Mehta, SG  
Ms. Shashi Juneja, Adv.  
Mr. Satish Pandey, AOR

Mr. Vishnu Shankar Jain, AOR  
Mr. Chanakya Gupta, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

We must begin by first appreciating the manner of conduct of the proceedings and the stand taken by both the sets of the counsels represented before us Mr. Dushyant Dave, learned senior counsel for the petitioner with Ms. Vrinda Grover, learned counsel ably assisting and Mr. Tushar Mehta, learned Solicitor General. Despite the matter being sensitive in character, we feel both sides have looked at the way forward. The result of the aforesaid is that we are not called upon to examine the legality and validity of the impugned judgments and we leave it at that.

We had expressed some tentative sentiments to the learned Solicitor General who had come back on the last date of hearing to say that the detention period would not be extended but then considering the grounds of the detention, maximum period in any case would have been served. It is under these circumstances, we put to learned Solicitor General that in view of what had been offered by Mr. Dushyant Dave, learned senior counsel on behalf of the petitioner i.e. that he will not travel to Jammu & Kashmir till the 7<sup>th</sup> of the next month and not issue any press or other statements till that date, his pre-mature release may be considered. This is more so, as the petitioner is also a former President of the Kashmir Bar Association, is aged and has many medical issues.

We are very happy to note the constructive approach adopted by the Government and the persuasive skills used by Mr. Tushar Mehta to persuade the Government to accept the suggestion both of Mr. Dushyant Dave and the Court.

The result of the aforesaid is that it is agreed that the petitioner will be released tomorrow i.e. 30<sup>th</sup> July, 2020 when his family members will be able to receive him and that the petitioner will abide by the assurance/undertaking given by the learned senior counsel of the petitioner to this Court qua not travelling to the State of Jammu & Kashmir till 7<sup>th</sup> August, 2020 and not issuing or making any public statements. We may note that this would facilitate the petitioner in celebrating Id which is two days hence.

Before we part with the matter, we must say that Kashmir has been a troubled area. Nature has been very kind to the place. It is the human race which has been unkind. It is time for all wounds to be healed and look to the future within the domain of our country. We are sure that the petitioner will also adopt a more constructive approach to the future and the Government will consider how to bring complete normalcy at the earliest.

Hope is something which creates the future and we are hopeful.

We dispose of these petitions by the aforesaid order and once again express our appreciation for both the sides for their constructive approach.

Parties are left to bear their own costs.

Pending application shall also stand disposed of.

(ANITA MALHOTRA)  
COURT MASTER

(ANITA RANI AHUJA)  
ASSISTANT REGISTRAR