



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-36549-2025

Reserved on : 11.03.2026

Pronounced on : 16.04.2026

Uploaded on : 16.04.2026

*Whether any operative part of the judgment is
pronounced or the full judgment is pronounced : full judgment*

Amritpal Singh

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJIV BERRY

Present: Mr.R.S.Cheema, Sr. Advocate (arguing counsel through VC) with
Mr. A.S. Cheema, Advocate,
Mr. Imaan Singh Khara, Advocate,
Mr. Satish Sharma, Advocate, and
Mr. S.S. Kang, Advocate,
for the petitioner.

Mr. Dheeraj Jain, Senior Advocate (arguing counsel), with
Ms. Amrita Singh, Central Government Counsel for UOI.

Mr. Anupam Gupta, Senior Advocate (arguing counsel) with
Mr. Vikram Anand, Advocate,
Mr. Gautam Pathania, Advocate,
Mr. Sukhpal Singh, Advocate for the State of Punjab,
Mr. Salil Sabhlok, Senior Deputy Advocate General, Punjab.



SHEEL NAGU, CHIEF JUSTICE

1. This petition filed under Article 226 read with Article 227 of the Constitution of India seeks issuance of a writ of certiorari for setting aside the order of preventive detention dated 17.04.2025 (Annexure P-1) passed by District Magistrate, Amritsar (respondent No.3), causing preventive detention of petitioner w.e.f. 23.04.2025 on expiry of the term of his last preventive detention order dated 13.03.2024.

2. At the very outset, learned senior counsel, Shri R.S. Cheema, assisted by Shri A.S. Cheema, Advocate, has candidly admitted that the order of preventive detention is not being challenged on any procedural lapse, but on merits of the allegations.

3. It is pertinent to mention here that the petitioner had been subjected to the first order of preventive detention on 18.03.2023, which on its expiry was continued by second order of preventive detention dated 13.03.2024, followed by the impugned order passed on 17.04.2025 vide Annexure P-1.

4. Learned senior counsel for the petitioner, in support of challenge to the impugned order of preventive detention, has raised the following grounds :

- (i) The order of conferment of power upon District Magistrate cannot be by way of general/blanket order of the Governor. Instead, it is submitted that power needs to be conferred based on sensitivity and ground reality in each district, where incident of breach of public order arises;



- (ii) At the time of passing of the impugned order of preventive detention, District Magistrate was not delegated with powers u/s 3 (2) of the National Security Act, 1980 (“NSA” for brevity);
- (iii) Incidents forming the ground of order of preventive detention are not related to the petitioner;
- (iv) Petitioner has not yet been shown as “arrested” for the murder of Gurpreet Singh Harinau, despite petitioner having been arrayed as an accused in the said murder;
- (v) There is no application of mind on the part of the District Magistrate, who has blindly followed the recommendation made by SSP (Rural), Amritsar;
- (vi) There is no live and proximate link between the past conduct and prospective criminality of the petitioner; and
- (vii) There is no cogent material to support the existence of the impugned order of preventive detention.

5. In support of the aforesaid grounds, learned senior counsel for the petitioner has relied upon various decisions, including *Bhut Nath Mete Vs. The State of West Bengal, (1974) 1 SCC 645; A.K. Roy Vs. Union of India and others, (1982) 1 SCC 271; Abhay Shridhar Ambulkar Vs. S.V. Bhave, Commissioner of Police and others, (1991) 1 SCC 500; Navalshankar Ishwarlal Dave and another Vs. State of Gujarat and others, 1993 Supp (3) SCC 754; Pesala Nookaraju Vs. Government of Andhra Pradesh and others, (2023) 4 SCC 641; and Ameena Begum Vs. State of Telangana and others, (2023) 9 SCC 587.*

6. Per contra, learned senior counsel, Shri Anupam Gupta, assisted by Shri Vikram Anand, Advocate, appearing on behalf of the State of Punjab, has attempted to support the impugned order of preventive detention on the following grounds :

- (i) In regard to conferment of power on the District Magistrate u/s 3 (2) of NSA, learned senior counsel for the State of Punjab has contended that



- expression “a” prefixed with expression “District Magistrate/Commissioner of Police” in section 3 (3) of NSA is not indicative of singularity;
- (ii) Section 13 (2) of General Clauses Act, 1897 is relied upon to contend that in all Central enactments, words in the singular shall include the plural, and vice versa. For this purpose, reliance is placed upon **Sahyadri Sahakari Sakhar Karkhana Ltd. Vs. Collector of Central Excise, Pune, (2003) 3 SCC 506** (para 10), **K.P. Mohammed Salim Vs. Commissioner of Income Tax, Cochin, (2008) 11 SCC 573** (para 17) and **Common Cause (A Registered Society) Vs. Union of India and others, (2023) 10 SCC 321** (para 28);
- (iii) NSA does not prohibit the State-wise empowerment u/s 3 (3).
- (iv) Since there is a safety valve of approval by the State Government within 12 days, which is duly complied with in the present case, any shortcoming in the order of preventive detention passed by District Magistrate gets validated;
- (v) Further reliance is placed upon section 3 (22) of General Clauses Act, 1897, to contend that something done with due caution (as done herein) is deemed to be done in “good faith” even if done negligently.
- (vi) It is contended on behalf of the State of Punjab that the petitioner has close links with dreaded terrorists and 15 persons mentioned in the table of Grounds of Detention (Annexure P-5) are on the hit-list of the petitioner and the petitioner has not denied this ground. By relying upon **Additional District Magistrate Jabalpur Vs. Shivakant Shukla, (1976) 2 SCC 521** (para 581), it is contended by learned senior counsel for the State of Punjab that even past conduct of a person can be scrutinized by passing an order of preventive detention. The detaining authority, in the instant case, has acted in complete transparency and by applying its mind in a subjective manner based on objective material.
- (vii) In support of the aforesaid grounds, following citations have been relied upon by learned senior counsel for the State of Punjab :
- (1) **Sambhu Nath Sarkar Vs. The State of West Bengal and others, (1973) 1 SCC 856;**

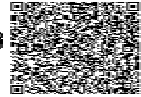


- (2) **Haradhan Saha Vs. The State of West Bengal and others, (1975) 3 SCC 198;**
- (3) **Kartar Singh Vs. State of Punjab, (1994) 3 SCC 569;**
- (4) **Kamleshkumar Ishwardas Patel Vs. Union of India and others, (1995) 4 SCC 51;**
- (5) **People's Union for Civil Liberties and another Vs. Union of India, (2004) 9 SCC 580;** and
- (6) **Prakash Kumar alias Prakash Bhutto Vs. State of Gujarat, (2005) 2 SCC 409**

7. Since no procedural lapse is alleged by learned counsel for the petitioner, it would be appropriate to delve into the Grounds of Detention (Annexure P-5) which persuaded the District Magistrate to pass the impugned order of preventive detention.

7.1 The grounds of detention reveal the following activities/involvement/association of the petitioner with elements which gave rise to the apprehension of potential danger to the breach of public order. To name a few:

- (i) Conspiring with anti-national elements;
- (ii) Association with dreaded gangsters and terrorists;
- (iii) Association with an intent to physically eliminate persons who have the potentiality to publically expose petitioner's misdeeds and tarnish his image;
- (iv) Campaigning the cause of Khalistan separatist;
- (v) Claiming to be the head of organization 'Warris Punjab De';
- (vi) Elimination by killing of Gurpreet Singh Harinau, with whom the petitioner had ideological differences and said Gurpreet Singh Harinau had opposed various nefarious acts of the petitioner;
- (vii) By letter dated 09.10.2024, the Intelligence Wing of Punjab Police alerted all the Commissioners of Police in Punjab and all Senior Superintendents of Police by communicating a list of 15 names who had vocally opposed the petitioner or spoken in



favour of the persons opposing the petitioner or were complainant in the Ajnala kidnapping case against the petitioner, and who were threatened by the petitioner as well as his organization and also other witnesses in the FIR lodged against the petitioner and further the Advocates who were appearing for the petitioner in the Election Petition filed against petitioner.

- (viii) It was warned by the Intelligence Branch of the Punjab Police that foolproof arrangement of security/safety be made of the said 15 persons who are in the hit-list of the petitioner and his organization;
- (ix) A vocal opponent of the petitioner, namely Gurpreet Singh Harinau, was eliminated on 09.10.2024 confirming the aforesaid apprehension of the Intelligence Department into reality;
- (x) The fear psychosis was spread in the members of the public thereby creating live and present danger to public order;
- (xi) In the investigation pertaining to the murder of Gurpreet Singh Harinau vide FIR No.159 dated 10.10.2024, Police Station Kotkapura, District Faridkot, statements of Sukh Raj Karan Singh, Harpreet Kaur (real sister of deceased Gurpreet Singh Harinau), Vikramjeet Singh @ Bhagat Singh Dubaiya, Sukhpreet Singh @ Sukhu (cousin brother of deceased Gurpreet Singh Harinau), Palvinder Singh and Satwantardeep Singh were inter alia recorded in hard copy or digitally which disclose that plans were being made to use drug money for smuggling dangerous weapons into the country for the ultimate object of creating a Khalistan State, which was direct proof of raging war against the State.

7.2 Coming to the first ground that the authorization by the State in favour of the District Magistrate and Commissioner of Police in various Districts vide order dated 15.04.2025u/s 3 (3) of NSA is bereft of jurisdiction.

7.3 For ready reference and convenience, Sections 3(2) and 3(3) of the NSA are reproduced below:



“3. Power to make orders detaining certain persons.—

XXXX XXXX XXXX
XXXX XXXX XXXX

(2) The Central Government or the State Government may, if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to the security of the State or from acting in any manner prejudicial to the maintenance of public order or from acting in any manner prejudicial to the maintenance of supplies and services essential to the community it is necessary so to do, make an order directing that such person be detained.

Explanation.—For the purposes of this sub-section, “acting in any manner prejudicial to the maintenance of supplies and services essential to the community” does not include “acting in any manner prejudicial to the maintenance of supplies of commodities essential to the community” as defined in the Explanation to sub-section (1) of section 3 of the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980 (7 of 1980), and accordingly, no order of detention shall be made under this Act on any ground on which an order of detention may be made under that Act.

(3) If, having regard to the circumstances prevailing or likely to prevail in any area within the local limits of the jurisdiction of a District Magistrate or a Commissioner of Police, the State Government is satisfied that it is necessary so to do, it may, by order in writing, direct, that during such period as may be specified in the order, such District Magistrate or Commissioner of Police may also, if satisfied as provided in sub-section (2), exercise the powers conferred by the said sub-section:

Provided that the period specified in an order made by the State Government under this sub-section shall not, in the first instance, exceed three months, but the State Government may, if satisfied as aforesaid that it is necessary so to do, amend such order to extend such period from time to time by any period not exceeding three months at any one time.”



7.4 Section 3 (2) of NSA empowers Central or the State Government to pass an order of preventive detention on being satisfied, in respect of any person, that it is necessary to prevent breach of public order to detain the said person.

7.5 Section 3 (3) of NSA, however, bestows powers upon the State Government to delegate such power vested in it u/s 3 (2) of NSA to the District Magistrate or Commissioner of Police after arriving at the satisfaction contemplated in section 3(2) of NSA.

7.6 However, learned senior counsel for the petitioner contends that the delegation of power to the District Magistrate is required to be district/incident/event centric which may arise leading to present or apprehended danger to public order. As such, it is contended that conferment of power by the State upon the District Magistrate vide order dated 15.04.2025 is non-est in the eyes of law since it is not event/incident centric. It is contended that the said order dated 15.04.2025 is a generic order giving wide and sweeping powers to the District Magistrates and Commissioners of Police in the entire State of Punjab which is not what the text and context of Section 3 (3) of NSA intends. It is further submitted that satisfaction contemplated u/s 3 (3) of NSA when conferring power upon District Magistrate by invoking section 3 (3) also needs to be incident/event centric. Thus, it is contended that delegation of its powers by the State Government u/s 3(2) of NSA to the District Magistrates by invoking Section 3(3) of NSA cannot be upheld.

7.7 The textual and contextual interpretation of Section 3 (3) of NSA reveals that the power is bestowed upon the State Government u/s 3 (2) of NSA. If the State Government is satisfied that the said power is to be bestowed upon the District Magistrate, then u/s 3 (3) of NSA, an order in writing is to be



passed by the State Government authorizing such District Magistrate or Commissioner of Police to exercise the powers conferred upon the State Government u/s 3 (2) of NSA. The satisfaction to be arrived at by the State Government by invoking section 3 (3) of NSA is also the same as contemplated u/s 3 (2). The expression used in section 3 (3) of NSA “circumstances prevailing or likely to prevail in any area within the local limits of the jurisdiction of a District Magistrate or a Commissioner of Police.....” does not in any manner restrict the nature of power of the State Government to be event/incident/district-centric u/s 3 (3) of NSA. The expression “prevailing in any area” used in section 3 (3) of NSA indicates towards the fact that an event/incident centric order of delegation of power in favour of District Magistrate can be passed, but the text of section 3 (3) of NSA does not prevent the State Government from passing a generic order of the nature passed by the respondent -State Government on 15.04.2025, authorizing all the District Magistrates and Commissioners of Police within the State of Punjab to exercise their powers in their respective Districts/jurisdictional areas u/s 3 (3) of NSA.

7.8 Something which is palpable and decipherable from the plain reading of the text of section 3 (2) and (3) of NSA cannot be introduced by purposive interpretation. If the text is clear, which is evident from the expression “prevailing in any area”, then no further probing needs to be done, while undertaking exercise of interpretation of statute. If the statute had any such intention of delegating the power upon the District Magistrate to be event/incident/district centric, then it would have expressed the same in the text of the provision. The absence thereof is clear indication that the legislature did not intend to do so.



8. As regards the merits of the grounds of preventive detention, the grounds are clearly indicative of reasonable apprehension in the mind of the competent authority/District Magistrate based on subjective satisfaction founded upon objective material that if the petitioner was not preventively detained by the impugned order, then there is all likelihood of public order and security of the State being prejudiced.

9. We are also not in agreement with the contention of learned senior counsel for the petitioner that there has been no application of mind on the part of the District Magistrate at the time of passing of the impugned order. The material that was placed before the District Magistrate was letter of SSP (Rural), Amritsar and also the earlier material which was there in respect of the murder of Gurpreet Singh Harinau, in which the petitioner is arrayed as one of the accused vide FIR No. 159 dated 10.10.2024 and also other material of various witnesses and other persons who are victimized by the petitioner. The material available on record reveals that there was sufficient material before District Magistrate, Amritsar, to safely arrive at a reasonable satisfaction that if the petitioner is not preventively detained, then the situation of breach of public order and security of the State may arise.

10. We now deal with the decisions cited by learned senior counsel for the petitioner in support of challenge to the order of preventive detention in the following manner :

(i) ***Bhut Nath Mete Vs. The State of West Bengal, (1974) 1 SCC 645***

10.1 In the said case, the Apex Court had allowed the petition simply on the ground of denial of reasonable opportunity to the detenu of making an affective representation. No such ground has been raised in the present case and therefore, the said decision is of no avail to the petitioner.



(ii) **A.K. Roy Vs. Union of India and others, (1982) 1 SCC 271**

10.2 The aforesaid case was cited by learned senior counsel for the petitioner in support of the argument as regards interpretation of power conferred by the State Government upon the District Magistrate u/s 3 (3) of NSA. If paragraph 72 of the said judgment is perused, it is seen that the Apex Court was of the view that having regard to the circumstances prevailing or likely to prevail in any area within the local limits of the jurisdiction of a District Magistrate, then the State Government can delegate its powers u/s 3 (2) of the NSA by invoking section 3 (3). This judgment does not say that when the State Government is satisfied of circumstances prevailing in the jurisdictional area of particular District Magistrate, then the State Government can delegate its powers u/s 3 (2) by invoking section 3 (3) of NSA upon that particular District Magistrate only. This judgment of the Apex Court in fact has not dealt with the ground as raised by learned senior counsel for the petitioner that the term “prevailing in any area” can be restrictively read to mean that delegation of its powers by the State Government can only be district centric and not by way of a generic order prevailing in all districts of the State, as is the case herein.

(iii) **Abhay Shridhar Ambulkar Vs. S.V. Bhave, Commissioner of Police and others, (1991) 1 SCC 500**

10.3 In the said case, the Apex Court essentially was dealing with the period of detention : whether it should be three months or more, when the State Government exercises powers of delegation upon a District Magistrate u/s 3 (3) of NSA? In the said case, the term “prevailing in any area” was not in question, as is in the present case. Thus, the factual matrix in the said case being different, same is also of no avail to the petitioner.



(iv) **Navalshankar Ishwarlal Dave and another Vs. State of Gujarat and others, 1993 Supp (3) SCC 754**

10.4 In the said case, the order of preventive detention was set aside by the Apex Court on the procedural lapses having noticed, such as non-decision on the representation which was kept pending by the State Government for a long period of time; and also the State presenting no material to substantiate that the order of preventive detention was approved by the State Government within 12 days of its execution.

(v) **Pesala Nookaraju Vs. Government of Andhra Pradesh and others, (2023) 4 SCC 641**

10.5 In the said case, the Apex Court was dealing with an order of preventive detention passed u/s 3 (2) of Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986, where the Division Bench of Andhra Pradesh High Court had upheld the order of preventive detention. The Apex Court dismissed the appeal by upholding the order of the Division Bench of Andhra Pradesh High Court and laid down certain principles, essentially in respect of the period of detention, subjective satisfaction of detaining authority, concept of law and order vis-à-vis public order and also the history of writ of habeas corpus. The law laid down in this judgment also does not assist the petitioner in any manner, as the factual matrix in the said case is different.

(vi) **Ameena Begum Vs. State of Telangana and others, (2023) 9 SCC 587.**

10.6 In the aforesaid case, the Apex Court set aside the order of preventive detention by holding that the acts attributed to the detenu could not be branded as prejudicial to maintenance of public order. This decision is



also of no avail to the petitioner, since the material available with the competent authority in the present case is sufficient to support its satisfaction.

11. Learned senior counsel for the petitioner has also cited Division Bench judgment of the Rajasthan High court in *Aruna Bano Vs. State of Rajasthan and others*, rendered on 11.02.2003 and Division Bench decision of Bombay High Court in *Akshay Bhaskar Sahare Vs. State of Maharashtra and another, 2025 SCC OnLine Bombay 6145*, wherein the orders of preventive detention were quashed on the ground that orders of the State Government conferring power upon the District Magistrate were not district/event/incident centric, as is the case herein. It is seen from both these decisions that no material was placed before the respective Courts to show that any incident/event took place which gave rise to the apprehension in the mind of the State Government to delegate powers upon the District Magistrate of a particular district u/s 3 (3) of NSA. Whereas, in the instant case, ample material has been shown by the State that Ajnala incident, which took place in 2022-23 in Amritsar District, was followed by various incidents where the petitioner was involved in various terrorist activities in regard to which audio clippings are available, and also of keeping 15 persons in hit-list prepared by the petitioner and also the petitioner being involved in the murder of Gurpreet Singh Harinau vide FIR 159 dated 10.10.2024 and various materials showing the petitioner's interaction and direct connection with deadly terrorists, who have not only been involved in cross-border exchange of arms, but also being members of various terrorist gangs which have been enlisted under the Unlawful Activities (Prevention) Act, 1967 (UAPA), besides other material. This clearly indicates that the fear psychosis spread by the petitioner by indulging in nefarious activities has Pan-Punjab effect/repercussions. The



materials indicate that various instances in different districts of Punjab were showing linkage of the petitioner to the element of breach of public order, not only in any particular district, but across all the districts of State of Punjab.

12. Still further, it has to be mentioned here that based on the material available before District Magistrate, Amritsar, as stated above, vide impugned order dated 17.04.2025 (Annexure P-1), preventive detention of the petitioner was ordered w.e.f. 23.04.2025. This order was duly confirmed by the State Government u/s 12 (1) of NSA vide order dated 24.06.2025 (Annexure P-3), taking into consideration the grave and manifest danger posed by the detenu, i.e. the petitioner, to the security of the State and maintenance of public order as duly reflected in the detailed grounds of detention based on the entire record/material available with the concerned authority. Even the protective mechanism, as has been mandated u/s 9 of NSA, has also been followed in the instant case, as the Advisory Board duly constituted under NSA had given opinion on 09.06.2025 vide Annexure P-2 that there is sufficient cause for the detention of the petitioner under the provisions of NSA.

13. Thus, this Court has no manner of doubt that in the given facts and circumstances, satisfaction that was arrived at by the State of Punjab by issuing the order dated 15.04.2025 could not have been district/incident/event-centric. Thus, the said order dated 15.04.2025 was rightly issued in generic terms, authorizing all the District Magistrates and Commissioners of Police to exercise the powers of the State Government by invoking section 3 (3) of NSA to preventively detain the petitioner. Considering the relevant material and exercising the powers conferred vide order dated 15.04.2025 (Annexure R-2/1), District Magistrate, Amritsar, lawfully passed the impugned detention



order dated 17.04.2025 (Annexure P-1) and we do not find any infirmity/illegality therein so as to call for any interference therein.

14. In the conspectus of above discussion, it is clear as day light that the impugned order of preventive detention passed against the petitioner is immuned from the powers of judicial review.

15. Consequently, the present petition stands dismissed without cost.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

April 16, 2026
narotam

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No