2026:PHHC:078845

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-4590-2026

Jasveer Singh @ Jasbir Singh @ Kala

....Petitioner

V/s

State of Haryana and others

....Respondents

Reserved on: 13.05.2026
Date of Pronouncement/ Decision: 20.05.2026
Date of Uploading : 20.05.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ankur Mittal, Senior Advocate with
Ms. Kushaldeep Kaur, Advocate,
Mr. Kushagar Goel, Advocate, Ms. Preeti Goyal, Advocate
Mr. Sakal Sikri, Advocate and
Ms. Sharvi Dadhwal, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

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SUMEET GOEL, J.

1. Taking exception to the confirmation order dated 05.03.2026 passed by the Additional Chief Secretary to the Government of Haryana (Home) (hereinafter referred to as '*impugned confirmation order'*), the petitioner has preferred the present criminal writ petition under Article 226 of the Constitution of India (hereinafter referred to as *'petition in hand'*) for quashing of the same.

2. Shorn of non-essential details, the relevant factual matrix of the *lis* in hand is adumbrated, thus:

(i) On account of the petitioner being involved in 10 FIR(s), the Secretary to Government of Haryana, Home Department passed an order dated 07.01.2026 for preventive detention of the petitioner.

(ii) The petitioner is stated to have made a representation against the above detention order. Upon opinion of the concerned Advisory Board, the *impugned confirmation order* was passed, which reads thus:

> *"Whereas, in exercise of the powers conferred vide section 3 (1) of the Prevention of Illicit Traffic of Narcotics Drugs and Psychotropic Substances Act, 1988 (for brevity the Act, 1988), the, detaining authority vide order dated 07.01.2026 directed to detain Sh. Jasbir Singh alias Kala S/o Bhag Singh R/o Village Malikpura, P.S. Odhan, Police District Dabwali, Haryana, with a view to prevent him from engaging in illicit traffic in narcotic drugs and psychotropic substance. In pursuance of the said detention order dated 07.01.2026, Sh. Jasbir Singh alias Kala S/o Bhag Singh was detained on 08.01.2026 and he is currently detained in District Jail, Sirsa, Haryana*
>
> *And whereas, a reference under section 9 (b) of the Act, 1988 in respect of detention of Sh. Jasbir Singh alias Kala S/o Bhag Singh was made to the Advisory Board, Haryana duly constituted under section 9 (s) of Act, 1988 vide letter dated 09.01.2026. The Advisory Board, after providing an opportunity of hearing to the detainee Sh. Jasbir Singh alias Kala S/o Bhag Singh through video conference on 18.02.2026, submitted its report dated 19.02.2026, which was received vide later dated 20.02.2026. The Advisory Board, in its report dated 19.02.2026 has concluded that sufficient cause is made out for the preventive detention of Sh. Jasbir Singh alias Kala s/o Bhag Singh.*
>
> *And now, therefore, in exercise of the powers conferred by section 9(1) read with section 11 of the Act 1988, the detention order of Sh. Jasbir Singh alias Kala S/o Bhag Singh issued vide order dated 07.01.2026 is hereby confirmed and it is further directed that the period of detention of Sh. Jasbir Singh alias Kala S/o Bhag Singh R/o Village Malikpura, P.S. Odhan, Police District Dabwali, Haryana in pursuance of the aforesaid detention order shall be six month from the date of his detention i.e. 08.01.2026.*
>
> *SD/ (Sudhir Rajpal, IAS)*
>
> *Additional Chief Secretary to Government Haryana, Home*
>
> *Department"*

It is in the aforesaid factual backdrop that the *petition in hand* has come up for adjudication before this Court.

Rival Submissions

3. Learned senior counsel for the petitioner has argued that the *impugned confirmation order* is against the basic tenets of law as the same does not reflect any independent application of mind at the end of the confirming authority. Learned senior counsel has urged that the *impugned confirmation order* has been passed solely upon the opinion of the Advisory Board and it has clearly not adhered to the distinction of the power of the State Government/appropriate Government and role of the Advisory board. Learned senior counsel has iterated that, even if, an opinion is received from the Advisory Board regarding satisfaction of continuing the detention order, even in such a situation, the confirmatory authority ought to have applied its own independent mind. Learned senior counsel has urged that this vital aspect of the matter is clearly lacking in the *impugned confirmation order.* On the strength of these submissions, the grant of *petition in hand* is entreated for.

4. Respondent Nos.1 to 4 have filed the written reply by way of affidavit dated 06.05.2026 of Sh. Sandeep Singh, Deputy Superintendent of Police, Kalanwali, District Sirsa whereas a separate written reply dated 02.05.2026 has been preferred on behalf of respondent No.5, in the Court; which are taken on record. Raising submissions in tandem with the above reply(s), learned State counsel has submitted that the petitioner has been found to be involved in multiple NDPS cases and, thus, the *impugned confirmation order* has been passed against the petitioner for up-keeping of public order and law. Learned

State counsel has further urged that the entire procedural norms have been meticulously followed. It has been further submitted that the *impugned confirmation order* is based on sound reasoning and logic as also in tandem with the opinion given by the concerned Advisory Board. On the strength of these submissions, the dismissal of the *petition in hand* is entreated for.

Prime Issue

5. The prime issue that arises for consideration in the *petition in hand* is as to whether the *impugned confirmation order* is liable to be quashed.

The seminal legal issue that arises for cogitation is as to whether the confirming authority, while passing a confirmation order in terms of Section 9(f) of *PITNDPS Act*, is under a statutory obligation to pass a reasoned order reflecting independent application of mind, not only regarding the substantive confirmation of the detenue's detention but also with respect to the determination of the period of extension.

Relevant Statute

6. **The Constitution of India**

I. Article 22 of the Constitution of India, reads as under

> *"22.* ***Protection against arrest and detention in certain cases***
>
> *(1) xxx xxx xxx xxx*
>
> *(2) xxx xxx xxx xxx*
>
> *(3) xxx xxx xxx xxx*
>
> *(4) No law providing for preventive detention shall authorise the detention of a person for a longer period than three months unless—*
>
> *(a) an Advisory Board consisting of persons who are, or have been, or are qualified to be appointed as, Judges of a High Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention:*

Provided that nothing in this sub-clause shall authorise the detention of any person beyond the maximum period prescribed by any law made by Parliament under sub-clause (b) of clause (7); or

(b) such person is detained in accordance with the provisions of any law made by Parliament under sub-clauses (a) and (b) of clause (7).

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order.

(6) xxx xxx xxx xxx

(7) Parliament may by law prescribe—

(a) the circumstances under which, and the class or classes of cases in which, a person may be detained for a period longer than three months under any law providing for preventive detention without obtaining the opinion of an Advisory Board in accordance with the provisions of sub-clause (a) of clause (4);

(b) the maximum period for which any person may in any class or classes of cases be detained under any law providing for preventive detention; and

(c) the procedure to be followed by an Advisory Board in an inquiry under sub-clause (a) of clause (4)."

II. **The Prevention of Illicit Traffic In Narcotic Drugs and Psychotropic Substances Act, 1988** (hereinafter referred to as *'PITNDPS Act'*)

"***9. Advisory Boards****.— For the purposes of sub-clause (a) of clause (4) and sub-clause(c) of clause (7) of article 22 of the Constitution, –*

(a) xxx xxx xxx

(b) xxx xxx xxx

(c) xxx xxx xxx

(d) xxx xxx xxx

(e) xxx xxx xxx

(f) in every case where the Advisory board has reported that there is in its opinion sufficient cause for the detention of a person, the appropriate Government may confirm the detention order and continue the detention of the person concerned for

such period as it thinks fir and in every case where the Advisory board has reported that there is in its opinion no sufficient cause for the detention of the person concerned, the appropriate Government shall revoke the detention order and cause the person to be released forthwith."

III. **Preventive Detention Act, 1950** (hereinafter referred to as *'PD Act 1950'*)

*"**11. Action Upon the Report of Advisory Board.** —*

(1) In any case where the Advisory board has reported that there is in its opinion sufficient cause for the detention of a person, the appropriate Government may confirm the detention Older and continue the detention of the person concerned for such period as it thinks fit. (2) In any case where the Advisory board has reported that there is in its opinion no sufficient cause for the detention of the persons concerned, the appropriate Government shall revoke the detention order and cause the person to be released forthwith."

IV. **The Maharashtra Prevention of Communal, Anti-social and other Dangerous Activities Act, 1980** (hereinafter referred to as *'MPCAD Act 1980'*)

*"**12. Action upon the report of Advisory Board** — (1) In any case where the Advisory Board has reported that there is in its opinion sufficient cause for the detention of a person, the State Government may confirm the detention order and continue the detention of the person concerned for such period as it thinks fit."*

V. **The Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-Offenders, Dangerous Persons and Video Pirates Act, 1981** (hereinafter referred to as *'MPDA Act, 1981'*)

*12. **Action upon the report of Advisory Board** — (1) In any case where the Advisory Board has reported that there is in its opinion sufficient cause for the detention of a person, the State Government may confirm the detention order and continue the detention of the person concerned for such period as it thinks fit."*

Relevant case Law

7. The precedents germane to the matter(s) in issue are, thus:

(i) The Five Judge Bench of the Hon'ble Supreme Court; while dealing with Section 11(1) of the *PD Act, 1950;* in a judgment titled as ***Dattatraya Moreshwar Vs. State of Bombay, 1952 AIR Supreme Court 181,*** has held as under:

> *"13. xxx xxx xxx In my opinion, the words "for such period as it thinks fit" pre-suppose and imply that after receipt of the report of the Advisory Board the detaining authority has to make up its mind as to whether the original order of detention should be confirmed and if so, for what further period the detention is to continue. Obviously that is the proper stage for making an order or decision of this description as the investigation with regard to a particular detenu such as is contemplated by the Preventive Detention Act is then at an end and the appropriate Government is in full possession of all the materials regarding him. xxx xxx xxx"*

(ii) The Five Judge Bench of the Hon'ble Supreme Court; while dealing with Section 11 of the *PD Act, 1950;* in a Judgment titled as ***Jayanarayan Sukul vs. State of West Bengal 1970(1) SCC 219***, has held as under:

> *"20. Broadly stated, four principles are to be followed in regard to representation of detenus. xxxxxxxxxxxxxxxxxxxxxx. Secondly, the consideration of the representation of the detenue by the appropriate authority is entirely independent of any action by the Advisory Board including the consideration of the representation of the detenue by the Advisory Board. Xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx. If however, the Government will not release the detenue the Government will send the case along with the detenue's representation to the Advisory Board. If thereafter the Advisory Board will express an opinion in favour of release of the detenue the Government will release the detenue. If the Advisory Board will express any opinion against the release of the detenue the Government may still exercise the power to release the detenue."*

(iii) A Division Bench of the Hon'ble Bombay High Court; while dealing with Section 12 of the *MPCAD Act 1980;* in a case titled as ***Akshay Bhaskar Sahare vs. State of Maharashtra and another 2025 SCC OnLine Bom 6145;*** has held as under:

> *"**38.** It is thus clear that the discretion to confirm a detention order must be used carefully and with proper reasoning. The confirmation order should clearly state why continuing the detention is necessary, based on the situation at the time the order is passed. The State Government must consider both the circumstances that existed when the detention order was first made under Section 3, and those that exist at the time of confirmation under Section 12. If the main purpose of detention has already been achieved, the Government should release the person. But if detention is to continue, the Government must explain why it is still necessary, showing its satisfaction based on the circumstances expected to continue. The Government must also estimate how long those circumstances will prevail and accordingly, the period of continued detention prescribed."*

(iv) A Division Bench of the Hon'ble Bombay High Court; while dealing with Section 12 of the *MPDA Act, 1981;* in a case titled as ***Rajendraprasad Gupta @ Munnabhai @ Rajubhai Surajlal Gupta vs. R.S. Sharma and others, 2004(3) MHLJ 801;*** has held as under:

> *"11. xxxxxxxxxxxxxxxxxxxx. In our view whether it be the stage of approval or consideration of representation or confirmation, on each occasion the concerned authorized officer is required to apply his mind to the relevant material, which is required to be considered by law, afresh. To our mind the reason for this is that the purpose for which the concerned officer looks at this material on each of these occasion is different. For example, he is considering the material for the purpose of granting an approval to the detention order, the purpose of which he looks at the relevant material placed before him is in order to determine whether there is sufficient cause for detention and as to whether the detention is authorized. When he looks at the relevant material at the stage of confirmation of the order, what he is required to be determined is whether in his subjective opinion, the propensity and potentiality of committing similar offence exists on the date of the passing of confirmation order and his likely to extend to the period for which the detention is being confirmed. It may be that*

> *material is the same. At the later stage of confirmation there might be additional material placed before him. At this stages, the opinion of the Advisory Board is also a further material placed before him. Even as regards the original grounds of detention and material and support thereof, the angle and purpose for which he looks at this material is different at the stage of confirmation and hence in our view, the material is required to be re-scanned afresh."*

Analysis (re law)

8. At first glance, the concept of preventive detention appears fundamentally antithetical within the four corners of constitutional democracy governed by the Rule of Law, whose preamble and fundamental ethos elevated personal liberty to a sacrosanct pinnacle. To incarcerate an individual *ante delicto* (i.e. before the commission of an offence) based on mere executive apprehension, rather than *post delicto* (i.e. after a punitive trial), sharply conflicts with the venerable maxim *libertas omnibus rebus favorabilior est* i.e. liberty is to be favoured above all things. Yet, Constitutional governance is not founded upon abstract idealism alone, but equally upon pragmatic realism and the imperative necessity of preserving the larger societal order. It cannot afford to dwell in the realm of *doctrinaire absolutism*. It was in recognition of this delicate Constitutional equilibrium that the framers of the Constitution, despite their unmatched reverence for civil liberties, consciously retained provisions enabling preventive detention. The rationale underlying such retention was neither accidental nor ornamental; rather, it stemmed from the compelling necessity to equip the State with adequate Constitutional machinery to eliminate/curb forces whose activities, may imperil the sovereignty and integrity of the nation, disrupt public order, threaten national security, or endanger societal peace and welfare. In such circumstances, the law cannot afford to lock the stable after the horse has bolted. However, this inclusion was

never an endorsement of executive tyranny, but rather a calculated concession to the age old adage *salus populi suprema lex esto* i.e. the welfare/safety of the people in common is the supreme law, thereby, acknowledging that the preservation of the State's sovereignty is the condition precedent to the enjoyment of any individual civil right.

8.1. To forestall this extraordinary and inherently nocuous power from degenerating into an engine of autocratic oppression, the constitutional *schema* itself mandates certain irreducible safeguards, *strictissimi juris* observance whereof, is *sine qua non* for any lawful deprivation of liberty. These safeguards provided under Article 22 of the Constitution of India are not merely perfunctory formalities; rather, they constitute an indelible and substantive facet of the *due process of law,* the non-compliance whereof renders the underlying proceedings null and void and the resultant detention fundamentally illegal. In this sensitive intersection of State security/ national welfare and individual freedom, the law demands *strictissmi juris,* adherence with these procedural safeguards, for when the State operates out of the shadows of suspicion/ apprehension of future transgression(s) rather than the light of evidence, this procedural shield remains the detenue's sole refuge against executive overreach. A failure to scrupulously observe these Constitutional dictates does not merely constitute venial technical irregularity; it tantamount to a flagrant violation of Article 21, as the procedure established by law becomes a mere hollow shell if its foundational safeguards are bypassed or diluted. Consequently, any statute providing for preventive detention must, as a condition precedent to its validity, incorporate these minimum safeguards to ensure they are not subverted by administrative *ipse dixit.*

Amongst the constellation of safeguards, Article 22(4) serves as an institutional check, by necessitating the constitution of an independent Advisory Board to scrutinise any proposal for extending detention beyond the period of 3 months. The role of Advisory Board is not merely advisory in nature in colloquial sense, it functions as a quasi-judicial bulwark, a sieve through which the executive's subjective satisfaction must pass. This is further complemented by Article 22(5), which imposes an obligation to furnish the grounds of detention, *as soon as may be* and to afford the detenue the *earliest opportunity* of making a representation. This right to representation is not a hollow, formalistic ritual but a substantive entitlement that carries the implied requirement of expeditious consideration and disposal thereof by the State in a judicious manner, eschewing any mechanical or perfunctory approach, *lest,* it may constitute a fatal fracture in the procedure established by law, and renders the detention vulnerable for *Article 21* scrutiny.

8.2. The architectural blueprint of these Constitutional safeguards finds statutory expression in Section 9 of the *PITNDPS Act*. Section 9(a) provides for the manner in which the Advisory Board is to be constituted and Section 9(b) further tightens the procedural noose by mandating that the Appropriate Government make a formal reference to the Advisory Board within five weeks from detention, upon receipt whereof, the Advisory Board enters into a deliberative phase; transcending a mere review of the record to consider all relevant material and any such further information, as deemed necessary; judicially. This process culminates into a report under article 22(4)(a), wherein, for the detention to be continued and lawful, the Advisory Board must have arrived at a categorical finding as to whether there exists *'sufficient cause'* for the continued incarceration of the individual.

8.3. The finality and potency of the Advisory Board's determination find their statutory anchorage in Section 9(f) of the *PITNDPS Act*, a provision that mirrors the mandate of Article 22(4)(a). Section 9(f) envisages a stark, binary statutory *schema*: *firstly,* should the Advisory Board report a deficit of *sufficient cause,* the Appropriate Government/Confirmatory Authority's discretionary veneer is summarily stripped away, and it is under an exacting, mandatory obligation to revoke the detention order and effectuate immediate release of the subject. Conversely, where the Advisory Board reports the existence of *'sufficient cause'* the statutory language shifts from the mandatory ***'shall'*** to permissive ***'may'.*** This shift from mandatory ***'shall'*** (in case of negative opinion by the Advisory Board) to the permissive ***'may'*** (in case of positive opinion by the Advisory Board) creates a significant jurisdictional pause. This linguistic nuance signals that the Advisory Board's positive opinion is an enabling factor, but not a compelling factor for the Appropriate Government/Confirmatory Authority to mechanically comply with it. The five Judge Bench of the Hon'ble Supreme Court in ***Jayanarayan Sukul*** (supra); while interpreting Section 11(1) of the *PD Act, 1950,* provisions whereof are in *pari materia* with Section 9(f) of the *PITNDPS Act,* observed that the government's consideration of a detenue's representation is entirely autonomous and independent of any action or review by the Advisory Board. While a negative report from the Advisory Board leaves the government with no choice but to immediately release the detenue, a positive report from the Advisory Board is not binding, and the government retains the ultimate, independent power to exercise its discretion and release the detenue. Furthermore, the Division Bench of the Hon'ble Bombay High Court in ***Rajendraprasad Gupta*** (supra) held

that the authorized officer must apply his mind and scan the relevant material completely afresh at each distinct stage, whether during approval, consideration of representation, or confirmation; because the underlying legal purpose of the evaluation shifts at every milestone. Specifically, while the original approval stage tests the initial sufficiency of cause to authorize detention, the subsequent confirmation stage requires a fundamentally different assessment: the Appropriate Government/ Confirmation Authority must determine whether the detenue's propensity and potentiality to commit similar offenses still persists at that later date, thereby requiring an independent evaluation of the entire matrix, including the original grounds, any new material, and the Advisory Board's report, to justify extending the detention. It is pertinent to mention herein that the principles enunciated by the Hon'ble Bombay High Court in ***Rajendraprasad Gupta (supra)*** apply with full force to the present case, *albeit*, the High Court therein having interpreted Section 12 of the *MPCAD Act, 1980*, the provisions of which are *in pari material* and indeed, verbatim with Section 9(f) of the *PITNDPS Act*. Consequently, the *ratio decidendi* of the said judgment directly governs the statutory interpretation required herein.

8.4. A bare perusal of Section 9(f) of the *PITNDPS Act,* reveals that the Appropriate Government/Confirmatory Authority is thus vested with a dual discretion: *firstly,* it must adjudicate upon the necessity of continued incarceration notwithstanding the Advisory Board's positive recommendation; and *secondly,* should the Appropriate Government/Confirmatory Authority chose to confirm further detention, it must judiciously calibrate the temporal extent of such detention. A five Judge Bench of the Hon'ble Supreme Court in

Dattatraya (supra); while dealing with Section 11 of the *PD Act, 1950,* provisions whereof are verbatim with Section 9(f) of the *PITNDPS Act,* observed that the phrase ***'for such period as it thinks fit'*** mandates the detaining authority, upon receiving the Advisory Board's report, to independently decide whether to confirm the detention and determine its specific future duration. This dual discretion is neither ornamental flourish nor a license for executive caprice. Similarly, the exercise of discretion by an administrative authority, particularly in the sensitive theatre of preventive detention, is never an unfettered license for individual whim, rather, it is a legal power held in trust, to be exercised within the rigorous perimeters of the Rule of Law. The statutory employment of the word ***'may'*** and of phrase ***'for such period as it thinks fit'*** in Section 9(f) of the *PITNDPS Act*, is not an investment of unfettered or absolute power; rather, it signifies the vesting of a highly structured legal discretion to be exercised *secundum arbitrium boni viri* (i.e. according to the judgment of a sound person guided by law and reason). To satisfy the constitutional conscience and withstand the exacting scrutiny of Article 21, the Confirmation Order must stand as an articulate, self-contained testament to the authority's intellectual engagement, constituting a speaking order *ex-facie*. The independent application of mind by the Appropriate Government/ Confirmatory Authority cannot be a matter of abstract presumption or post-facto rationalization; it must be demonstrably manifested within the four corners of the confirmation order itself. When the Appropriate Government/Confirmatory Authority receives a positive opinion from the Advisory Board, it does not act as a mere passive recording machine or a mechanical conduit. The Appropriate Government/Confirmatory Authority

must demonstrate an independent subjective satisfaction, regarding the continuation as also the duration of the detention, which necessitates an exhaustive intellectual engagement with the entire dossier of the detenue; positive opinion of the Advisory Board constitutes merely a part of the whole, whereof.

Ergo, the Confirmatory Authority remains legally bound to conduct an exhaustive, independent review of the entire dossier, balancing the personal liberty of the detenue against the societal exigencies contemplated by the *PITNDPS Act*. If the final confirmation order lacks a discernible narrative of independent reasoning, or if it fails to explicitly justify the temporal extent of the detention with qualitative reasons rather than a mere quantitative declaration, it degenerates into a mere *ipse dixit* of the executive. A perfunctory or boilerplate/mechanical order that mimics the Advisory Board's conclusions without independent analysis suffers from a fatal non-application of mind. Such an infirmity goes to the root of the Appropriate Government/Confirmatory Authority's jurisdiction, rendering the resultant confirmation order *ultra vires*, *void ab initio*, and a flagrant infraction of the procedural safeguards guaranteed under Article 21 of the Constitution, as the procedure established by law becomes a mere hollow shell if its foundational, reasoned safeguards are bypassed or diluted. The Division Bench of the Hon'ble Bombay High Court in ***Akshay Bhaskar Sahare*** (supra); while dealing with Section 12 of the *MPDA Act, 1981,* provisions whereof are in *pari materia* with Section 9(f) of the *PITNDPS Act*, held that the discretion to confirm preventive detention must be exercised carefully through a reasoned order that evaluates both the initial circumstances and the situation prevailing at the time of confirmation. If the purpose of

detention has been achieved, the detenue must be released; however, if extension is necessary, the Government must explicitly explain why the threat persists, estimate how long those circumstances will prevail, and calibrate the period of continued detention accordingly.

9. As a sequitter to the above rumination, the following postulates emerge:

(i) Section 9(f) of the PITNDPS Act vests the Appropriate Government/ Confirmatory Authority with a distinct, dual discretion: *firstly*, it must independently adjudicate upon the substantive necessity of continuing the preventive detention; and *secondly*, it must qualitatively calibrate and justify the precise temporal duration of such extended confinement. The phrase *"for such period as it thinks fit"* does not confer absolute power, but signifies a structured discretion to be exercised rationally and proportionately.

(ii) The Appropriate Government/ Confirmatory Authority cannot treat a positive/affirmative opinion of the Advisory Board as a mechanical mandate for continued incarceration. The Advisory Board's finding is merely a component of the evidentiary matrix, and not its entirety. The Appropriate Government/ Confirmatory Authority remains legally bound to conduct an autonomous, exhaustive review of the detenue's entire dossier, forming its own independent subjective satisfaction rather than passively adopting the Advisory Board's conclusions.

(iii) To satisfy the constitutional safeguards of Article 21, the confirmation order must be a speaking order *ex-facie*, serving as an articulate, self-contained testament to the authority's mental process.

Independent application of mind cannot be presumed or rationalized *post-facto*; it must be demonstrably manifested within the four corners of the order, explicitly providing clear, cogent reasoning for both the confirmation itself and the specific duration prescribed.

(iv) Any confirmation order that acts as a perfunctory rubber stamp or a mechanical/boilerplate replication of the Advisory Board's opinion suffers from a fatal non-application of mind. By failing to visibly project independent analysis and qualitative reasons, the order degenerates into a mere executive *ipse dixit*. This procedural fracture goes to the root of jurisdiction, thereby, rendering the confirmation order unsustainable.

Analysis re: facts of the present case

10. A perusal of the *impugned confirmation order* reflects that there is no independent application of mind by the confirmatory/ appropriate government, which is, indubitably, reflected from the relevant part of the said order, which reads thus:

> "*And now, therefore, in exercise of the powers conferred by section 9(1) read with section 11 of the Act 1988, the detention order of Sh. Jasbir Singh alias Kala S/o Bhag Singh Issued vide order dated 07.01.2026 is hereby confirmed and it is further directed that the period of detention of Sh. Jasbir Singh alias Kala S/o Bhag Singh R/o Village Malikpura, P.S. Odhan, Police District Dabwali, Haryana in pursuance of the aforesaid detention order shall be six month from the date of his detention i.e. 08.01.2026.*"

The *impugned confirmation order* does not reflect any reason neither for confirming the detention order nor for the period for which the detention order has been passed. *Ergo*, the same is *sans* reasoning, which is required to be coming forth from an order under challenge. Thus, the *impugned confirmation order* deserves to be quashed.

Decision

In the prevenient ratiocination, it is ordained thus:

i) The *impugned confirmation order* (order dated 05.03.2026 passed by the Additional Chief Secretary to the Government of Haryana, Home Department), is hereby **quashed**.

ii) The petitioner is directed to be set at liberty, *forthwith*, if not required in any other case.

iii) Pending application(s), if any, shall stand disposed of.

iv) Registry is directed to transmit a copy of the instant order to the Home Secretary(s) for the States of Haryana, Punjab as also U.T., Chandigarh.

(SUMEET GOEL)
JUDGE

May 20, 2026
Ajay/mahavir

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