
(2019) 08 P&H CK 0105

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 21429 Of 2019

Col. Amarjit Singh Bajwa

APPELLANT

Vs

Armed Forces Tribunal, Chandigarh Bench, Chandigarh And
Others

RESPONDENT

Date of Decision : 09-08-2019

Acts Referred:

Army Act, 1950 — Section 69

Prevention Of Corruption Act, 1988 — Section 13(1)(d)(ii), 13(2)

Armed Forces Tribunal Act, 2007 — Section 15

Citation : (2019) 08 P&H CK 0105

Hon'ble Judges : Rakesh Kumar Jain, J;Arun Kumar Tyagi, J

Bench : Division Bench

Final Decision : Disposed Off

Judgement

Rakesh Kumar Jain, J

Notice of motion.

At this stage, Captain Neha Manhas has appeared on behalf of the respondents.

The prayer made in this petition is for the issuance of a writ in the nature of mandamus to direct respondent No. 1 to decide the stay application No. 1028 of 2019 filed by the petitioner in OA (Appeal) No. 421 of 2019 titled as Col. Amarjit Singh Bajwa Vs. Union of India.

In brief, the petitioner was convicted and sentenced under Section 69 of the Army Act, 1950 read with Section 13 (1) (d) (ii) and 13 (2) of the Prevention of Corruption Act, 1988. He filed an appeal alongwith an application for stay under Section 15 of the Armed Forces Tribunal Act, 2007. Since, the sentence awarded to him was not confirmed, therefore, vide order dated 10.04.2019, he was released on bail but it was made clear that in case the sentence is confirmed, he would surrender before Commanding Officer concerned to serve out the remaining sentence within a week of the confirmation of the sentence.

The petitioner was accordingly released on bail vide order dated 15.04.2019. The appeal is still pending and is now fixed for hearing on 20.08.2019 but at the same time the petitioner came to know that the sentence vide order dated 18.12.2018 has been confirmed w.e.f. 31.07.2019 and he is supposed to surrender in terms of order dated 10.04.2019.

The only prayer made in this petition is that the application for suspension of sentence may be decided expeditiously by preponing the date of hearing from 20.08.2019 to an early date because at the time when the order of bail was passed the sentence was not confirmed by the Army authorities.

After hearing both the parties and taking into consideration the aforesaid facts and circumstances, we are of the considered opinion that it would be just and expedient if a direction is issued to the Armed Forces Tribunal, who is seized of the appeal filed by the petitioner i.e. OA No. 421 of 2019 to decide the application bearing No. 1028 of 2019 in regard suspension of sentence after the confirmation of sentence by the army authorities. Though, the appeal and the application both are listed for hearing before the AFT on 20.08.2019, we direct respondent No. 1 to pre-pone the date of hearing of the application for stay i.e. No. 1028 of 2019 and decide the same on 13.08.2019 positively.

With these observations, the present petition is hereby disposed of.

Copy of the order be given to the parties under the signatures of the Special Secretary of this Court.