

(2021) 02 AFT CK 0009

In the Armed Forces Tribunal

Case No : Original Application No. 1976 Of 2020, Miscellaneous Application No. 316 Of 2021

Dharamvir Singh

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 10-02-2021

Acts Referred:

Citation : (2021) 02 AFT CK 0009

Hon'ble Judges : Rajendra Menon, J;P.M. Hariz, Member (A)

Bench : Division Bench

Advocate : Mohan Kumar, Anil Gautam

Final Decision : Disposed Of

Judgement

MA 316/2021

This application has been filed by the applicant for grant of temporary bail on account of the fact that his mother is ailing and he wants to take care of

her. The applicant has been tried by the Summary General Court Martial (SGCM), found guilty on various counts and has been sentenced to RI for

five years.

While hearing the matter on 24th December, 2020 the applicant, on account of the illness of his mother, was granted temporary bail for a period of one

month. Thereafter, on 29th January, 2021 the bail was again extended for a further period of one week. Now the applicant submits that as his mother

continues to be unwell, he may be granted further extension.

On going through the record, we find that after undergoing treatment at various hospitals, the applicant's mother now seems to be suffering from old

age ailments and there is nothing in the application to indicate that there is no

body in the family except the applicant to look after her. On the contrary certain pleadings available on record, referred to by learned counsel for the respondents, indicate that applicant's brother is there who can take care of his mother. That apart, the pre-confirmation proceedings are pending. The respondents have intimated to us that the applicant has not yet filed his preconfirmation petition. Even though it is the discretion of the applicant to file pre-confirmation petition, there is material on record which indicates that the applicant himself wanted to file pre-conformation petition but has not filed the same.

That being so, at this stage, we see no reason to grant any further protection to the applicant. The respondents are free to proceed in the matter in accordance with law and in case the applicant does not file the pre-confirmation petition within a reasonable period of time, the respondents may continue with the confirmation proceedings, pass appropriate orders and intimate the applicant.

In view of the aforesaid the MA stands disposed of and consequently OA No.1976/2020 which is also filed for bail stands disposed of with liberty to the applicant to challenge the action after confirmation by filing a Regular Appeal.