

(2022) 05 AFT CK 0010

In the Armed Forces Tribunal

Case No : OA (Appeal) 618/2021 with MA 1502/2022

Ex Maj J S Duggal

APPELLANT

Vs

Union of India & Ors

RESPONDENT

Date of Decision : 25-05-2022

Acts Referred:

Armed Forces Tribunal Act, 2007 — Section 15

Citation : (2022) 05 AFT CK 0010

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

Bench : Division Bench

Advocate : Rajiv Manglik, Romil Pathak, Anil Gautam

Final Decision : Allowed

Judgement

1. The matter is listed today for final hearing. It is an admitted position that hearing in this case, which is an appeal under Section 15 of the Armed Forces Tribunal Act, 2007 and the challenge made is to a conviction of the applicant under the provisions of the Prevention of Corruption Act, 1988 and he has been sentenced to undergo 4 years' Rigorous Imprisonment (RI).

2. Considering the fact that we would hear the appeal at an earlier date, we had refused to grant bail to the applicant and thought it appropriate to hear the matter. Accordingly, the matter was listed for today for final hearing.

3. However today at the commencement of hearing, we find that the case is going to take too long, records are bulky and it may not be possible to conclude hearing even before we close for summer vacations in the next week.

4. That apart, on account of various administrative considerations, particularly non-availability of the Members of the Tribunal, hearing of court-martial cases and appeals are pending. This appeal is of the year 2021 and as on date, the applicant, who is in custody since 01.09.2020, has undergone a total period of sentence of 01 year and 08 months, approximately half of the sentence, may be four months less than the half.

5. Taking note of all these circumstances and being conscious of the fact that earlier we had not granted bail to the applicant under the impression that we will be able to hear the matter finally today, but as the same is not possible in near future at least for the next six months, we deem it appropriate to allow M.A. No. 1502 of 2022 and grant bail to the applicant. Accordingly, we suspend the operation of sentence and grant bail to the applicant during the pendency of the appeal with the following directions :

(i) That the applicant shall be released on furnishing a personal bail-bond of Rs. 10,000/- (Rupees Ten Thousand only) with one surety for the like amount to the satisfaction of the Principal Registrar, Armed Forces Tribunal, Principal Bench, New Delhi.

(ii) That the applicant shall not commit any further offence.

(iii) That the applicant shall surrender his passport, if any, to the Principal Registrar, Armed Forces Tribunal, New Delhi.

6. List the OA (Appeal) 618 of 2021 for consideration on 17th October, 2022.

7. The order be communicated to the Superintendent, Central Jail, Hoshiarpur/ Gurdaspur, Punjab by Speed Post and also by e-mail.