

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

136.

OA (Appeal) 832/2025

15589933W Hav Clk

(SD) Anil Thru Pairokar (Brother in Law)

Shri Surender Singh

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For Applicant : Mr. Satya Saharawat & Ms. Aditi
Laxman, Advocates

For Respondents : Dr. Vijendra Singh Mahndiyan, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON

HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

O R D E R

23.07.2025

Invoking the jurisdiction of this Tribunal under Section 15(3) of the Armed Forces Tribunal Act, 2007, the applicant has sought bail and release from military custody after his conviction by DCM on three charges under Section 63 read with Section 64(e) of the Army Act.

As the applicant was convicted to undergo a sentence of 01 year and 03 months and considering the fact that the applicant has already been in custody for a period of 240 days vide order passed on 26.03.2025, we had granted bail to the applicant and released him from military custody pending finalization of the confirmation/promulgation proceedings by the competent authority.

In the light of the bail granted to the applicant on 26.03.2025 the relief claimed for in this application has now rendered infructuous. Once the confirmation proceedings are concluded and the sentence is promulgated a right shall accrue to the applicant to file the regular application under Section 15 challenging the conviction if still aggrieved and, therefore, in the light of the bail granted we dispose of this application with the following directions:-

After confirmation of the sentence and its promulgation under Section 169(A) the applicant will have the liberty to challenge the same in accordance with law by filing an Appeal under Section 15 if still aggrieved. Bail granted to the applicant on 26.03.2025 shall continue to remain in operation under the same terms and conditions as are indicated in the order passed by this Tribunal on 26.03.2025 till confirmation of the same.

After promulgation also the bail shall continue to remain in operation and the applicant shall may file an Appeal under Section 15 before this Tribunal within 45 days of promulgation and seek further bail/ suspension of sentence after promulgation in the regular appeal to be filed. With the aforesaid observations and the liberty to the applicant, the application stands disposed of. In case of breach of any of the conditions stipulated in the order passed by us on 26.03.2025 by the applicant pending confirmation

proceedings, respondents will have the liberty to seek cancellation of this order.

OA stands disposed of.

A copy of this order be provided DASTI to learned counsel for both the parties.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[REAR ADMIRAL DHIREN VIG]
MEMBER (A)**

/JYOTI/