

#14

COURT NO. 2, ARMED FORCES TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
O.A. No. 456 OF 2011

IN THE MATTER OF :

Col. Sandeep Singh

.....Applicant

VERSUS

Union of India & Others

.....Respondents

Dated: 09.11.2011

Present: Mr. S.S. Pandey, counsel for the Applicant

Mr. Ajai Bhalla, counsel for the Respondents

MA No. 431/11

Heard and perused the record.

This application has been filed on behalf of the applicant for placing the order dated 24.10.2011 passed by the respondents on record and enlarging the applicant on interim bail till disposal of the present case.

Reply to the MA has been filed by the respondent side.

Learned counsel for the applicant submits that during pendency of court martial proceedings applicant has been placed under close arrest and his earlier request for releasing him on bail has been rejected by the respondent on 24.10.2011. He further submits that applicant also filed another application on 25.10.2011, however it is given to understand that the same has also been rejected by the respondents. He further

submits that vide order dated 24.10.2011, court martial proceedings have been adjourned for 13.11.2011 and no fruitful purpose will be served in keeping the applicant in close arrest. It is, therefore, prayed that applicant be ordered to be released on interim bail till the disposal of the present case.

Learned counsel for the respondents submits that the application for release on bail from close arrest moved by the applicant on 25.10.2010 has been rejected by the convening authority. He further states that applicant is facing court martial proceedings and under Army Rule 392 (K), applicant can be detained under close arrest.

We have heard both the parties on MA. Considering the facts of the case and submissions made, without observing anything on the merits of the case, we allow the present application and grant interim bail to the applicant subject to his furnishing an undertaking that he will be available for each and every date of court martial proceedings and will not leave the station without prior permission from convening authority even on adjournment. He will also undertake that he neither will influence the witnesses nor temper with the evidences. On furnishing this undertaking with the convening authority, respondent side is directed to release the applicant from close arrest forthwith. Copy of order be given dasti to both sides as prayed. Application stands disposed of accordingly. Record of the MA be attached with the main file.

**OA No. 456/11**

Heard and perused the record.

Considering the facts of the case, issue notice of the OA to the respondents. Learned counsel appearing on behalf of the respondents accepts the notice. No need to issue the same. He wants time to file the reply. As prayed, four weeks time is granted with direction to supply advance copy of the reply to the applicant. The applicant is free to file the rejoinder within the further period of two weeks, if he so wishes.

Put up on **06.01.2012**.

**M.L. NAIDU**  
(Administrative Member)

**MANAK MOHTA**  
(Judicial Member)

**Dated: 09.11.2011**  
mk

→ C/A & R/A not filed.

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**COURT NO. 2, ARMED FORCES TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**O.A. No.456 of 2011**

**IN THE MATTER OF:**

**Col. Sandeep Singh**

**.....Petitioner**

**VERSUS**

**Union of India & Ors.**

**.....Respondents**

**Dated: 11.10.2012**

Present: Mr. S.S. Pandey, counsel for the petitioner.  
Mr. Ajai Bhalla, counsel for the respondents.

Heard learned counsel for the parties. It is informed by learned counsel for the respondents that the GCM is already over, which has found the petitioner guilty.

Learned counsel for the petitioner informs that the matter is pending confirmation.

To this learned counsel for the respondents informs that the confirmation proceedings are already over.

In view of the above, the present petition remains only academic and is, accordingly, disposed of.

**M.L. NAIDU  
(Administrative Member)**

**N.P. GUPTA  
(Judicial Member)**

**Dated: 11.10.2012**

rsk