

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

123.

OA (Appeal) 224/2025

Hav/Clk (SD) Arvind Singh Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Anand Kumar, Advocate
For Respondents : Mr. Waize Ali Noor, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE RASIKA CHAUBE, MEMBER (A)

ORDER
09.04.2025

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Invoking the jurisdiction of this Tribunal u/s 15 of the Armed Forces Tribunal Act, 2007, the applicant had filed this application, pending confirmation of the sentence awarded by the District Court Martial and wanted his release on Bail/Parole by virtue of the powers restored in this Tribunal u/s 53 of the Armed Forces Tribunal Act. By an order passed on 12.02.2025, bail was granted as an interim measure to the applicant on the conditions indicating in para 4 of the said order. The applicant was also directed to report to the Competent Authority for confirmation of the sentence and at the time of Promulgation.

2. Today, when the matter is taken up for hearing, we are informed that the District Court Martial convicted the applicant to suffer rigorous imprisonment for 1 year 6 months and to be

dismissed from service. At the time of confirmation of the sentence, the sentence has been reduced from 1 year 6 months. 90 days sentence has been remitted by the Confirming Authority vide order dt 21.03.2025 and after taking note of the aforesaid, deducting the Sentence period of custody/Sentence already undertaken by the applicant, as on date, the applicant is only required to undergo 6 more days of imprisonment, in case the proceedings and the sentence of conviction passed by the District Court Martial is confirmed by this Tribunal on an appeal being filed by the applicant. Considering the fact that this was only a temporary application for Bail/Suspension of Sentence u/s 53 and the decision as detailed hereinabove is the factual aspect of the matter, we dispose of this application with the following directions:

Taking note of the fact that the applicant is now required to undergo remaining sentence of only 6 days, it is directed that the bail granted to the applicant by this Tribunal on 12.02.2025 stands confirmed and the applicant shall not be arrested till the appeal filed by the applicant is heard and disposed of on merit. As this application is being disposed of, the applicant is directed to ensure appeal challenging the sentence of conviction filed by him within a period of 60 days from today. On the same being done, notice shall be issued to the respondents. In case, the applicant does not file an appeal in 60 days from today, respondents will have the liberty to make a mention before this Tribunal, so that the applicant can be taken into custody for undergoing the remaining sentence of 6 days. With the aforesaid, in case of any error in the order passed based on the facts,

*the parties have liberty to make a mention and seek its
rectification/modification.*


[JUSTICE RAJENDRA MENON]
CHAIRPERSON


[RASIKA CHAUBE]
MEMBER (A)

Kt/RB