

CRWP No. 388 of 2016

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRWP No. 388 of 2016

Date of Decision: February 27, 2017

Havildar (DMT) Naseer Mohammed

...Petitioner

Versus

Union of India & others

...Respondents

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. G.S. Ghuman, Advocate
for the petitioner.

Mr. Satya Pal Jain, Additional Solicitor General of India with
Mr. Dheeraj Jain, Senior Counsel Government of India
for the respondents.

M.JEYAPPAUL, J.(ORAL)

The order dated 01.03.2016 passed by the learned Armed Forces Tribunal, Chandigarh, Regional Bench at Chandimandir, rejecting the plea for bail during the pendency of the appeal is under challenge before this Court.

We heard the elaborated submissions made by the learned counsel for the writ petitioner and the learned Additional Solicitor General of India.

Considering the duration of custody, the gravity of the charge and the positive findings recorded by the Summary Court General Martial, we are not inclined to grant bail to the writ petitioner. It is brought to our notice that the appeal which has been preferred by the writ petitioner has

CRWP No. 388 of 2016

been pending for about one year. Learned Additional Solicitor General of India brings to the notice of the Court that the Original Application (Appeal) No.25 of 2016 preferred by the petitioner herein has been transferred to the Principal Bench, Armed Forces Tribunal, New Delhi.

In view thereof, we direct the Principal Bench, Armed Forces Tribunal, New Delhi, to dispose of the main appeal preferred by the writ petitioner within a period of six months from the date of this order. In case the appeal could not be disposed of by the Principal Bench, Armed Forces Tribunal, New Delhi, liberty is granted to the writ petitioner to move necessary application seeking the same very relief which he has sought in the present writ petition.

The writ petition stands disposed of accordingly.

(M. JEYAPPAUL)
JUDGE

(AUGUSTINE GEORGE MASIH)
JUDGE

February 27, 2017
Harish

Whether speaking/reasoned: Yes

Whether Reportable: No