

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

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**CRWP-5286-2020
Decided on : 31.08.2020**

Gurjant Singh

... Petitioner

Versus

Union of India & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Arun Singla, Advocate, for the petitioner.

Mr.S.P.Jain, Addl.Solicitor General of India
with Ms.Sonia, Advocate, for the Union of India.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Prayer in the present petition, filed under Article 226 of the Constitution of India is for issuance of directions to the Armed Forces Tribunal, respondent No.5 to decide the application for suspension of sentence bearing MA No.2000 of 2019. In the alternative, prayer is made to decide the original application bearing No.2822 of 2013 or for suspending the sentence during the pendency of the same before the Tribunal. The ground taken is that the petitioner has already undergone more than 8 years of actual imprisonment out of the life sentence awarded by the Summary General Court Martial. In the petition, it has been averred that no Administrative Member is posted in the Armed Forces Tribunal, Chandigarh and in such circumstances, the writ jurisdiction of this Court is being invoked.

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The custody certificate of the petitioner showing the actual period of detention of 9 years 10 months and 3 days as on 26.08.2020, issued by the Deputy Superintendent, Central Jail has been placed on record. It has also been mentioned that the petitioner was released on 6 weeks parole and was to surrender on 26.08.2020.

Mr.Singla submits that in pursuance of the same, petitioner has surrendered.

Mr.Jain submits that the Armed Forces Tribunal, Delhi is now conducting proceedings by way of Video-Conferencing and therefore, necessary directions can be issued to hear the application or the appeal, as contended.

Counsel for the petitioner is satisfied with the said undertaking that action will be taken on the same by the Tribunal. It is pointed out that the Tribunal is to take up cases on 10/11.09.2020.

Resultantly, the present petition is disposed of with a direction to the Armed Forces Tribunal, Delhi to decide the application for suspension of sentence or in the alternative, decide the main/original appeal, as prayed for, subject to its convenience, on the above-said dates, if possible or at the earliest, thereafter.

(G.S. SANDHAWALIA)
JUDGE

AUGUST 31, 2020
sailesh

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No