

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

(122)

**CRWP-8968-2023
Decided on : 13.09.2023**

Colonel Jagpreet Singh Bakshi and another

.....Petitioner(s)

Versus

Union of India and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present:- Mr. Navdeep Singh, Advocate,
Mr. Arun Singla, Advocate and
Mr. Rajesh Sehgal, Advocate for the petitioners.

Mr. Satya Pal Jain, Additional Solicitor General of India
with Mr. Rohit, Advocate for the respondents-UOI.

G.S. Sandhawalia, J. (Oral)

Challenge in the present criminal writ petition filed under Article 226/227 of the Constitution of India has been made to the order dated 03.07.2023 (Annexure P-6) whereby the interim order granted on 26.05.2023 (Annexure P-3) was modified by the Tribunal to the extent that the proceedings would continue, but no final order would be passed till the decision of the original application.

2. We have been informed that the original application is based on the ground of limitation which would be go to the root of the matter whether proceedings could be initiated or were beyond limitation. It is further not disputed that the orders were passed by two different Benches and the Bench which had granted the stay noted this aspect on 03.08.2023 while admitting the original application and listing the case which is now stated to be fixed for 21.09.2023.

3. Counsels for the parties very fairly stated that efforts will be made to argue the matter on the next date itself i.e. 21.09.2023, so that the issue of limitation will be thrashed out whether Court Martial proceedings have to proceed or not.
4. Keeping in view the limited issue involved, we are of the considered opinion that the original application itself be decided. Accordingly, we request the Tribunal to make efforts to dispose off the Original Application No.862 of 2023 on the said date or as per its convenience, expeditiously. In view the fact that there was a stay on 26.05.2003 and the same was vacated, we are of the considered opinion that the interim order granted earlier should continue till the decision of the original application as the order passed by an earlier Bench was modified by another Bench. Thus, we deem it fit that the interim order passed earlier should continue.
5. It is, however, made clear that if the petitioner tries to prolong the proceedings, it would be open to the Tribunal to pass appropriate orders and proceed ahead.
6. Disposed off accordingly.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

13.09.2023
Naveen

Whether speaking/reasoned :	Yes	
Whether Reportable :		No