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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment delivered on: 20th October, 2023

+ W.P.(C) 14007/2023 & CM APPL. 55374/2023

COL SANJEEV THAKUR

..... Petitioner

versus

UNION OF INDIA AND OTHERS

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Ms. Sumit Sinha, Mr. Sumit Sinha & Ms. Pooja Singh,
Advocates

For the Respondents: Mr. Neeraj, Senior Penal Counsel with Mr. Vedansh
Anand, Mr. Sahaj & Mr. Rudra Paliwal, Advocates
Mr. Ankur Chhibber, Advocate for R-7
Major Deepak Ranva, M.S. (Legal), Major Tarun V. Pillai,
M.S. (Legal) & Major Partho Katyayan (Army)

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns, inter alia, order dated 04.07.2023 passed by the Armed Forces Tribunal, Principal Bench whereby the original application of the petitioner has been dismissed.

2. Learned counsel for petitioner submits that after passing of the order by the Tribunal, arrest warrants have been issued for securing the presence of the petitioner. He submits that petitioner has never refused to join any proceedings and is willing to join the proceedings



subject to his right to take an appropriate defence with regard to procedural or other lapses on part of the respondents in conduct of the Court of Inquiry or further proceedings emanating there from.

3. Learned counsel for respondent, per contra, submits that request for arrest of petitioner was issued since petitioner had failed to respond to two summons that were issued requiring him to join further proceedings. He submits that Court of Inquiry has already concluded and petitioner had participated in the said proceedings and further proceedings have to be commenced thereafter.

4. Learned counsel for petitioner undertakes that petitioner shall report to the N-Area, Chandigarh on 30.10.2023 at 11.00 AM.

5. Accordingly, this petition is disposed of directing the petitioner to report to N-Area, Chandigarh on 30.10.2023 at 11.00 AM to participate in further proceedings being conducted by the respondents. It is further directed that respondents shall hold further proceedings strictly in accordance with the Army Act, Army Rules and Regulations framed there under.

6. It would be open to the petitioner to take such defences and objections as may be available in law. Further, respondents are directed to intimate the concerned Commissioner of Police and District Magistrate to defer the arrest of petitioner till 30.10.2023 11.00 AM and in case petitioner fails to report as undertaken, the Police Commissioner and the concerned Magistrate as well as the respondents would be at liberty to take further coercive action as may



be warranted in facts and circumstances.

7. Petition is disposed of in the above terms.
8. Order dasti under the signatures of the Court Master.

SANJEEV SACHDEVA, J

MANOJ JAIN, J

OCTOBER 20, 2023

dr

