



2024:DHC:9769-DB



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

Date of decision: 17.12.2024

+ W.P.(C) 17382/2024
VIKRANT

.....Petitioner

Through: Mr.Inderpal Khokhar, Ms.Neha
& Ms.Simran, Advs.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr.Syed Husain, Adv. with
Mr.Adil Taqvi, GP with Major
Anish Muralidhar, Army.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

CM APPL. 73989/2024 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 17382/2024 & CM APPL. 73988/2024

2. This petition has been filed by the petitioner praying for a direction to respondent nos. 2 and 4 to attach the petitioner to any Unit/branch of the Army Headquarters at New Delhi until the final disposal of the criminal case pending against him in FIR No. 281/2020 under Sections 304-B/498A/34 of the Indian Penal Code, 1860, Police Station- Vasant Kunj, Delhi.

3. The learned counsel for the petitioner submits that by an Order dated 20.09.2021 passed in Bail Application 1461/2021, titled ***Vikrant***



v. **State**, one of the conditions for releasing the petitioner on bail was that he shall not leave the jurisdiction of the NCT of Delhi without prior permission of the concerned Court. He submits that the petitioner has been posted to Assam, and it would be difficult for the petitioner to pursue his defence in the above criminal case from there. He further relies on the Army Order No. 7/2000 to submit that in the event of a pending criminal case, the personnel should be attached to the place where the case is pending.

4. Issue notice.

5. Notice is accepted by Mr.Syed Husain, the learned counsel on behalf of the respondents.

6. The learned counsel for the respondents submits that in the absence of a copy of the Order dated 20.09.2021 referred to hereinabove, the posting of the petitioner could not be formalized and his attachment orders were being repeatedly extended, which in itself causes administrative issues to the respondents.

7. Having considered the above submissions, and now that the petitioner has placed a copy of the Order dated 20.09.2021 passed by this Court in his Bail Application as a part of the present petition, we direct the respondents to consider the contents of the present petition as a representation of the petitioner and decide on the same within a period of four weeks from today. Needless to state, while considering the representation, the respondents shall keep in mind their own policies and orders that are relevant to the issue.

8. In the meantime, the petitioner shall not be directed to proceed with the transfer posting with his Regiment, that is, the respondent



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no.4.

9. In case the decision of the respondents is adverse to the interest of the petitioner, it shall be open to the petitioner to challenge the same in accordance with the law.

10. We make it clear that we have not expressed any opinion on the merits of the claim of the petitioner.

11. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

SHALINDER KAUR, J

DECEMBER 17, 2024/rv/SJ

Click here to check corrigendum, if any