



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

**CRWP No.6067 of 2025 (O&M)
Date of Decision: 01.07.2025**

Major Bikram Singh

...Petitioner

Versus

Union of India and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Sanjeev Sharma, Senior Advocate with
Col. N.K. Kohli (Retd.), Advocate
for the petitioner.

Mr. Maneesh Bali, Senior Panel Counsel, UOI
for respondents No.1 to 5.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The order dated 28.05.2025 passed by respondent No.6-Armed Forces Tribunal (AFT) is challenged by the writ-petitioner. By the said order, the AFT vacated the interim order passed earlier dated 10.05.2023 stating that the GCM runs the risk of being dissolved under Section 117 of the Army Act, 1950 (for short 'the Act') due to its strength falling below the minimum prescribed by Section 113 of the Act and it would be appropriate to permit the GCM to continue the proceedings in the interregnum. During the proceedings, the original applicant would be also allowed to lead evidence in support of his special Plea to Jurisdiction and Plea in Bar of trial, if he so desires.



2. We notice that on 18.01.2023, the petitioner was warned for assembly of GCM for his trial on 28.01.2023. The GCM commenced its proceedings on 28.01.2023. The petitioner raised special plea to jurisdiction of the Court under Army Rule 51 on various grounds including lack of competence on the part of GOC on 16.03.2023. It was on the basis that the CBI Report relating to the allegations under the PC Act was not found to be sufficient for initiating prosecution sanction by the Central Government and the President of India has refused to grant sanction. On 10.04.2023, the petitioner raised Plea in Bar of trial under Army Rule 53(c) on the ground that the period of limitation for the trial has expired. The pleas were rejected on 18.04.2023 by the GCM. **OA No.755 of 2023** was filed before the Central Administrative Tribunal (CAT) challenging the said order but the same was rejected on 16.05.2024.

3. Against the said order, the writ-petition bearing **CRWP No.5170 of 2024** was filed before this Court and this Court vide its judgment dated 14.10.2024, passed an order in the following terms:-

“19. Since the disputed question of facts is involved in the present case, therefore, we remand the matter to the learned Tribunal with the direction to decide the same afresh after giving due notice(s) to all concerned.”

4. While the said remand order was required to be examined, the AFT passed the present impugned order vacating the earlier stay on the premises as noticed above.

5. Learned counsel appearing for the UOI was specifically asked as to when the GCM would stand dissolved in terms of Section 117 of the



Act and it is informed that one of the members of the Court would attain superannuation on 17.09.2025. We notice that the AFT has already fixed a date on 10.07.2025 and thus, we find that the case would have been decided in terms of the order passed by this Court earlier dated 14.10.2024 and the matter should have been examined at their own level instead of directing for leading evidence in support of plea of jurisdiction and plea of Bar before the GCM. We also find that there was no occasion or necessity to vacate the interim order passed earlier without adverting to the merits of the case.

6. We, therefore, set-aside the order dated 28.05.2025 and direct the AFT to decide the main case itself including the issues which were directed to be decided in terms of the order passed by this Court on 14.10.2024 and pass an order after hearing the case on 10.07.2025 at the earliest.

7. With the above-said directions, the writ petition stands partly allowed.

8. Interim order dated 10.05.2023 shall continue.

9. Pending miscellaneous application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

01.07.2025
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: Yes