

245 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:163476  
CRM-51935-2023 in/and  
CRR-1868-2023 (O&M)  
Date of Decision: December 19, 2023

Lakhbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

**Present:-** Mr. Nikhil Vats, Legal Aid Counsel  
for the applicant-petitioner.

Mr. Parneet Singh Pandher, AAG, Punjab.

**DEEPAK GUPTA, J.(Oral)**

Application bearing No.CRM-51935-2023 has been filed under Section 5 of the Limitation Act, to condone the delay of 3004 days in filing the revision petition.

2. Petitioner Lakhbir Singh was tried by the Court of learned Judicial Magistrate 1<sup>st</sup> Class, Amritsar, in case FIR No.531 dated 22.12.2009, under Sections 420, 467, 468, 471 and 120-B of IPC, registered at Police Station Civil Lines, Amritsar.

3. After conclusion of the trial, petitioner was convicted under Sections 420, 467, 468, 471 and 120-B of IPC, vide judgment dated 04.11.2014 and was sentenced to undergo varying sentences under different provisions of law, vide separate order of even date. Petitioner preferred an appeal against the aforesaid conviction and sentence, but the appeal was dismissed vide judgment dated 23.11.2015.

4. It is against the aforesaid conviction as recorded by the Trial Court and affirmed by the Court of Sessions that the revision has been filed and along with the revision, application is moved to condone the delay of 3004 days.

5. It is contended by learned counsel for the petitioner that petitioner is in custody and has filed this revision through the Legal Aid Counsel provided by the High Court Legal Services Committee. The Legal Aid Counsel assigned to the petitioner could not initially collect the record. It is after collecting the necessary documents and without any further delay that this revision has been filed and all this has caused delay of 3004 days.

6. After hearing learned counsel for the petitioner, who is appearing as Legal Aid Counsel, this Court finds absolutely no justifiable reason to condone the huge delay of 3004 days.

7. A perusal of the paper book would reveal that appeal against the conviction recorded on 04.11.2014, was dismissed by learned Addl. Sessions Judge, Amritsar, on 23.11.2015, in the presence of counsel for the petitioner, Shri Rajiv Rattanpal. As the petitioner was not present on that date, warrants of arrest were directed to be issued against him, so as to carry out the sentence as awarded by the Trial Court. Despite the fact that the decision of the appeal was very much to the notice of the petitioner through his counsel, petitioner did not surrender before the Court concerned. The custody certificate would reveal that it is only since 12.07.2021 that petitioner is now in custody.

8. The application for condonation of delay would reveal that it is very vague inasmuch as there is no mention as to when the petitioner contacted the High Court Legal Services Committee for providing him the Legal Aid Counsel; as to when he provided the requisite documents to the Legal Aid Counsel assigned to him. Thus, the long delay of 3004 days, in filing this revision is absolutely not justified. Finding no merits in

the application (CRM-51935-2023), the same is hereby dismissed.

Consequent to the dismissal of the application for condoning the delay in filing the revision, the main revision i.e. CRR-1868-2023 along with the accompanying application(s) stand dismissed.

December 19, 2023  
sarita

Whether reasoned/speaking: Yes/No  
Whether reportable: Yes/No

(DEEPAK GUPTA)  
JUDGE