

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

2025.PHHC.131742



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**CRM-13520-2025 in/&
CRM-A-547-2025 (O&M)**

Date of decision: 22.09.2025

State of Punjab

....Applicant/Appellant

V/s

Tarsem Singh and another

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Amit Kumar Goyal, Addl. AG, Punjab
for the applicant/appellant.

SUMEET GOEL, J. (Oral)

CRM-13520-2025

1. The present application has been filed on behalf of the applicant-State seeking condonation of delay of 500 days in filing the accompanying appeal. The main appeal has been filed impugning the judgment dated 05.10.2023, passed by the learned Additional Sessions Judge, Mansa whereby respondents were acquitted from the charges framed against them in case FIR No.71 dated 22.08.2015 registered for the offences punishable under Sections 452, 324, 323, 34 IPC at Police Station Jhunir, District Mansa.

2. Learned counsel appearing for the applicant-State, while seeking grant of the prayer for condonation of delay of 500 days, has argued that the certified copy of the aforesaid judgment was applied for on 09.10.2023 and the same was prepared on 16.10.2023. Thereafter, the District Attorney, Mansa, sent the proposal to the Director, Prosecution and Litigation, Punjab, along with his comments on 06.11.2023. The Director, Prosecution and Litigation, examined the proposal and forwarded it to the Department of Home Affairs & Justice, Punjab on 01.12.2023, which was received in the

said office on 11.12.2023. Subsequently, the matter was sent to the office of the learned Advocate General, Punjab for legal opinion, where it was received on 12.12.2023. Learned State counsel has further argued that the case was marked to a Law Officer on the very same day, who tendered his opinion on 22.12.2023, which was duly endorsed by the Additional Advocate General, Punjab on 04.01.2024. Thereafter, the office of the learned Advocate General, Punjab, forwarded the proposal to the Government for taking a final decision. After receiving the Government's sanction letter dated 04.03.2024, the grounds of appeal were drafted on 19.04.2024. On 23.04.2024, the office of the Advocate General informed the SSP, Mansa, and the concerned SHO regarding the filing of an affidavit explaining the delay and the affidavit in support of the grounds of appeal. Thereafter, the case remained with the concerned SI till 06.06.2024, and the affidavit in support of the application for condonation of delay and the grounds of appeal were drafted by the Police Department on 15.02.2025, after completing the necessary procedural formalities. On completion of the remaining formalities, the present appeal was filed before this Court. It has been argued by learned counsel that due to the procedural requirements as detailed above, a delay of 500 days occurred, which was purely procedural and circumstantial. It has further been submitted that the delay was not attributable to any intentional negligence or lack of diligence but rather resulted from the extensive procedural requirements and formalities inherent in the process of obtaining the necessary sanction. It is, thus, submitted that the circumstances of the case indicate that the delay in filing the instant revision petition was neither intentional nor deliberate, and hence, deserves to be condoned.

3. I have heard the learned State counsel for the applicant-petitioner and have perused the paper-book.

4. It would be apposite to refer herein to a judgment of this Court passed in **CRR(F)-1844-2023** titled as **Deepak vs. Noori and another**, decided on 29.02.2024; relevant whereof reads as under:-

“8. As a sequel to above-said discussion, the following principles of law emerge:

I.A liberal approach, undoubtedly, ought to be accorded to a plea for condonation of delay made under Section 5 of The Limitation Act, 1963 so as to further the cause of substantial justice. The concept of substantial justice essentially includes in itself the desirability of adjudication of a claim of the litigant on merits thereof rather than rejection of the same, at the threshold, on account of being barred by limitation. However, adoption of such liberal approach cannot be stretched to mean that a prayer (for condonation of delay) ought to be granted sans reasonable explanation therefor. An applicant (seeking condonation of delay) has to bring forward cogent, credible and lucid reason(s) to substantiate such a plea. In case such reason(s) is not scrutable, a Court would well be within its discretion to decline such plea (for condonation of delay). In other words, inexplicable delay ought not to be condoned.

II.A Court ought to grant an application seeking condonation of delay when no negligence, inaction or want of bona fide is imputable to such applicant and/or such delay has occurred on account of circumstances beyond reasonable control of such applicant.

III.It is not the length of delay (sought to be condoned) but explanation thereof which is relevant for consideration by a Court.

IV.Law of limitation does not require an applicant (seeking condonation of delay) to furnish an exhaustive explanation on ‘day to-day basis’ for such delay. A Court while dealing with a plea for condonation of delay need not undertake such a pedantic approach.

V.In appropriate cases, a Court may consider imposing costs while granting an application for condonation of delay. However, the quantification of costs so imposed, must reflect the same being commensurate to the lis in issue as also attending circumstances therein.

VI. The factum; of non-applicant(s) or even strangers having altered their position(s) relying upon the applicant not having filed an appeal/revision etc. within stipulated time and resultant effects thereof; will indubitably be a pertinent factor for consideration of a plea for condonation of delay.

VII.A plea for condonation of delay by the State as also its instrumentalities has to be accorded a more liberal approach since the machinery involved in their working is impersonal in nature & hidden factors working therein cannot be given a complete amiss.

VIII. The discretion of a Court, while considering a plea for condonation of delay, will be exercised in view of peculiar facts/circumstances of an individual case. It is neither prudent nor feasible to fix any exhaustive guidelines for exercising such judicial discretion. On the contrary, it would be perilous to lay down such general criteria for governing such discretion. Needless to emphasize that exercise of such judicial discretion/power ought to be within the four corners of well settled principles of justice, good conscience and fair play.”

5. More recently the Hon’ble Supreme Court in case titled as ***Pathapati Subba Reddy (Died) by L.Rs & Ors. vs. The Special Deputy Collector (LA), Neutral Citation:2024 INSC 286***, has observed as under:

“26. On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:

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vii) Merits of the case are not required to be considered in condoning the delay; and

(viii) Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision.”

6. More recently the Hon’ble Supreme Court in case titled as ***Shivamma (Dead) by L.Rs. vs. Karnataka Housing Board and others, Neutral Citation:2025 INSC 1104***, has observed as under:

*“171. The next submission that was advanced on behalf of the respondents herein is that, in matters pertaining to condonation of delay, a certain degree of leeway ought to be accorded to the Government and Public Authorities owing to the innate complexities in the way the State apparatus functions. The argument is that due to the inherent bureaucracy and involvement of various departments of different hierarchy which are endemic to the functioning of the State and its instrumentalities, unavoidable delays tend to crop up even without any deliberate intention, and thus, the courts ought to be pragmatic and liberal where the State or any of its instrumentalities is seeking condonation of delay in the filing of the appeal or application, as the case may be. In this regard, reliance was placed on the decision of this Court in **G. Ramegowda, Major***

& Ors. v. Special Land Acquisition Officer, Bangalore reported in ***(1988) 2 SCC 142.***”

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212. The law as it presently stands, post the decision of Postmaster General (supra), is unambiguous and clear. Condonation of delay is to remain an exception, not the rule. Governmental litigants, no less than private parties, must demonstrate bona fide, sufficient, and cogent cause for delay. Absent such justification, delay cannot be condoned merely on the ground of the identity of the applicant.

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218. However, equally important to note is that wherever, any explanation is sought to be given on account of bureaucratic lethargy and inherent complexities of governmental decision-making, the same more often than not would invariably always is an “excuse”, as experience has shown us, depicted from a long line of decisions of this Court. It is at this stage, where the decision of Postmaster General (supra) assumes significance. It seeks to convey the messages, that court should not be agnostic, to how the State or its instrumentalities, often tend to take the recourse of condonation of delay in a casual manner.”

7. Condonation of delay of 500 days in filing the accompanying appeal is sought for on the following relevant averments:

“2. That the certified copy of the above said judgment was applied on 09.10.2023 and the same was prepared on 16.10.2023. The District Attorney, Mansa sent the proposal to the Director Prosecution and Litigation, Punjab along with his comments vide his Memo No.386(J), Dated 06.11.2023.

3. That the Director Prosecution and Litigation examined the proposal and the same sent to the Department of Home Affair and Justice (Judicial-II Branch) Punjab, Chandigarh, vide Memo 16(153)2023-07AD/5265 Dated 01.12.2023, and the same was received in the office of Department of Home Affair and Justice (Judicial-II Branch) Punjab, Chandigarh on 11.12.2023 and the same was sent to the office of the Learned Advocate General, Punjab for Legal Opinion in this case which was received in the office of the Learned Advocate General, Punjab on 12.12.2023.

4. That the file was marked to the Law Officer on 12.12.2023 for legal opinion and after examining the record and judgments, he tendered his opinion on 22.12.2023. The said opinion was duly endorsed by the Addl. Advocate General, Punjab on 04.01.2024 and

the office of Learned Advocate General, Punjab sent the proposal to government for taking final decision at their end on 19.01.2024.

5. That the Government has issued sanction vide its Memo No.02/194/2023-3-ADA2/759, dated, Chandigarh 04.03.2024 to file the appeal in the Hon'ble High Court and the said sanction in this respect was received in the office of Learned Advocate General, Punjab on 05.03.2024. Grounds of appeal were drafted in the present appeal on 19.04.2024. On 23.04.2024, via email o/o Ld. A.G. Punjab has informed SSP Mansa and SHO, Police Station Jhunir, District Mansa, regarding drafting of affidavit of condonation of delay and affidavit in support of Grounds of Appeal. The case file remained with SI Harbans Singh No.511/PR from 24.04.2024 to 06.06.2024, in the meantime on 06.06.2024, SI Harbans Singh No.511/PR had got drafted the affidavits and has sent the same for vetting vide letter no. 450/5A/PS Jhunir dated 06.06.2024. After removing the objections as raised by the Ld. Vetting Officer, ASI Salwinder Singh No.192/Mansa had against sent the same for re-vetting on 29.07.2024 and the case/file remained with ASI Salwinder Singh till 30.11.2024. Then on 06.12.2024, file was marked to ASI Jasvir Singh No.381 Mansa. Then on 21.01.2025 matter was marked to HC Lakhvir Singh No.994/Mansa, who had got re-drafted the above said affidavits and sent the same for re-vetting. Affidavit of condonation of delay and affidavit in support of Grounds of Appeal were re-drafted by Police Department on 15.02.2025. The same was vetted by A.G. Punjab Office on 17-03-2025. After that all the relevant formalities have been completed and the case is filed.”

8. A perusal of the above-said averments clearly shows that no reasonable or plausible explanation has been furnished by the applicant-State for condonation of the delay of 500 days in filing the accompanying appeal. The present application, apart from being bereft of specific details or particulars that may reflect bona fides on the part of the applicant-State in pursuing its case, rather indicates a deliberate attempt to unnecessarily entangle the respondents-accused in prolonged litigation. The applicant-State has failed to provide any concrete explanation or documentary proof to demonstrate its genuine efforts in pursuing the matter within the prescribed

time limit. No cause, much less sufficient cause as required in law, has been shown to justify or condone such a significant delay. The delay is both inordinate and inexplicable. Merely attributing it to procedural or unforeseen circumstances, without supporting details or evidence, falls short of the legal threshold for condonation. The applicant-State has neither exhibited continuous diligence in the matter nor presented any exceptional or unavoidable circumstances that could reasonably explain such an extensive delay.

8.1 The explanation for the delay contained in the application seeking condonation of delay is wholly unsatisfactory and can hardly be said to be a reasonable, satisfactory or even a proper explanation for seeking condonation of delay. In the facts and circumstances of the case as narrated hereinabove, the application seeking condonation of delay of 500 days in filing the accompanying appeal merits dismissal.

Decision

9. The application (*CRM-13520-2025*) seeking condonation of delay of 500 days in filing the accompanying appeal is dismissed. Since the application seeking condonation of delay has been dismissed, the main appeal stands dismissed as well accordingly.

10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

September 22, 2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No