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**RAMESH KUMARI, J.**

**CRM No. 17600-2024 in CRA-D-616-2024**  
**CRM No. 17604-2024 in CRA-D-617-2024**  
**CRM No. 17703-2024 in CRA-D-623-2024**  
**CRM No. 17705-2024 in CRA-D-624-2024**  
**CRM No. 17706-2024 in CRA-D-625-2024**  
**CRM No. 17710-2024 in CRA-D-626-2024**  
**(All applications for condonation of delay in filing appeals).**

Appellant-State of Punjab has filed these applications under Section 5 of the Limitation Act for condonation of delay of 230 days in CRA-D-616-2024; 207 days each in CRA-D-617-2024 and CRA-D-623-2024; 215 days in CRA-D-624 of 2024; 206 days in CRA-D-625 of 2024 and 219 days in CRA-D-626-2024, respectively in filing the appeals against the impugned orders dated 22.05.2023; 17.05.2023; 07.06.2023 and 05.05.2023 respectively passed by the then learned Additional Sessions Judge, Amritsar.

2. In CRA-D-616 of 2024, the delay application has been filed on the ground that the certified copy of the impugned order dated 22.05.2023 was applied on 17.05.2023 and same was prepared on 13.07.2023 and delivered on 04.08.2023 and thereafter the Additional District Attorney, Tarn Taran sent the proposal to the Director, Prosecution & Litigation, Punjab for filing the appeal against the impugned judgment. The Director, Prosecution & Litigation, Punjab examined the proposal and sent the same to Department of Home Affairs & Justice on 28.07.2023 and thereafter the same proposal was sent to the office of Advocate General, Punjab for legal opinion which was received in the office of Advocate General, Punjab on 17.08.2023. On 21.08.2023, office of Advocate General, Punjab opined that the matter is fit for filing appeal against the impugned order dated 22.05.2023. Department of Justice (Judicial Branch-II), Punjab also agreed with the opinion of the Advocate

General, Punjab and issued sanction for filing the appeal vide memo dated 12.09.2023 and the said sanction received in the office of Advocate General, Punjab on 14.09.2023. Thereafter office of Advocate General, Punjab directed the Police Department, District Tarn Taran for drafting the grounds of appeal and thereafter the file was received from the Police Department after preparing of grounds of appeal and affidavit on 15.12.2023.

3. Similar grounds for condonation of delay have also been taken in other appeals by the appellant-State of Punjab.

4. As per the applications under Section 5 of the Limitation Act filed separately in all the six appeals, the relevant dates are as under:-

| CRM in<br>CRA-D-                | Date of impugned order | Date when certified copy applied for | Date of preparation of certified copy | Date of delivery of certified copy | Date when order was sent by ADA to Director<br>Prosecution & Litigation (P&L) | Date when Director P&L sent proposal to<br>Department of Home Affairs & Justice | Date when proposal of Director P&L sent to the<br>office of AG, Punjab for legal opinion | Date when proposal from Director P&L was<br>received in the office of AG, Punjab | Date of opinion of AG Punjab and date of second<br>opinion of AG Punjab. | Date of sanction by the Deptt. of Justice,<br>Punjab. | Date of<br>receipt of sanction in AG office Punjab |
|---------------------------------|------------------------|--------------------------------------|---------------------------------------|------------------------------------|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------|----------------------------------------------------|
| 17600-<br>2024,<br>616-<br>2024 | 22.05.23               | 17.05.23                             | 13.07.23                              | 04.08.23                           | 19.07.23                                                                      | 28.07.23                                                                        | 28.07.23                                                                                 | 17.08.23                                                                         | 21.08.23/<br>23.08.23                                                    | 12.09.23                                              | 14.09.23                                           |
| 17723-<br>2024,<br>623-<br>2024 | 17.05.23               | 05.07.23                             | 13.07.23                              | 04.08.23                           | 19.07.23                                                                      | 28.07.23                                                                        | 28.07.23                                                                                 | 17.08.23                                                                         | 21.08.23/<br>23.08.23                                                    | 15.09.23                                              | 18.09.23                                           |
| 17604-<br>2024,<br>617-<br>2024 | 17.05.23               | 05.07.23                             | 13.07.23                              | 13.07.23                           | 19.07.23                                                                      | 28.07.23                                                                        | 11.08.23                                                                                 | 16.08.23                                                                         | 21.08.23/<br>23.08.23                                                    | 14.09.23                                              | 15.09.23                                           |
| 17705-<br>2024,<br>624-<br>2024 | 07.06.23               | 05.07.23                             | 13.07.23                              | 04.08.23                           | 19.07.23                                                                      | 28.07.23                                                                        | 21.08.23                                                                                 | 28.07.23                                                                         | 21.08.23/<br>23.08.23                                                    | 12.09.23                                              | 14.09.23                                           |
| 17710-<br>2024,<br>626-<br>2024 | 05.05.23               | 05.07.23                             | 13.07.23                              | 04.08.23                           | 19.07.23                                                                      | 28.07.23                                                                        | 28.07.23                                                                                 | 17.08.23                                                                         | 21.08.23/<br>23.08.23                                                    | 15.09.23                                              | 18.09.23                                           |
| 17706-<br>2024,<br>625-<br>2024 | 07.06.23               | 05.07.23                             | 13.07.23                              | 04.08.23                           | 19.07.23                                                                      | 28.07.23                                                                        | 28..07.23                                                                                | 17.08.23                                                                         | 21.08.23/<br>23.08.23                                                    | 12.09.23                                              | 14.09.23                                           |

Thereafter, the sanction received in each case in the office of Advocate General, Punjab was sent to Police Department, District Tarn Taran for drafting of appeal and application for condonation of delay, if any and affidavits.

5. It is submitted by learned State counsel appearing for the appellant-State of Punjab that delay in filing the appeals has occurred due to lengthy departmental procedure and obtaining sanction to file the appeals which is neither intentional nor willful.

6. All the abovesaid bail orders were passed by the Court of the then learned Additional Sessions Judge, Tarn Taran in case FIR No. 187 dated 10.12.2022 under Sections 307, 120-B, 427, 216, 489, 379 and 411 of the Indian Penal Code; under Section 16 of the Unlawful activities (Prevention) Act; 3 of the Explosive Act and Sections 25(6), 25(7), 54 and 59 of the Arms Act, registered at Police Station Sarhali. The bail applications moved by respondent-accused were allowed by the then Additional Sessions Judge, Tarn Taran on different dates in the presence of learned counsel for the accused (respondents herein) and learned Assistant Public Prosecutor for the State. There is no justification for delay in applying the certified copy on 05.07.2023 of orders which were passed on 17.05.2023, 07.06.2023, 05.05.2023 and 07.06.2023 respectively. Similarly, copy of order dated 22.05.2023 could not have been applied on 17.05.2023 because the trial Court as on said date had not decided the bail application. The sanction to file appeals were obtained on dates ranging from 14.09.2023 to 18.09.2023 and Criminal Appeals coupled with Criminal Miscellaneous Applications are filed in March-2024. There is an inordinate delay in filing the criminal appeals and applications under Section 5

of the Limitation Act have been filed on flimsy grounds. Accordingly, no ground for condonation of delay in filing the abovesaid appeals is made out.

7. Even on merits, there is no case in favour of prosecution. FIR No. 187 dated 10.12.2022 for commission of offences under section 307 of IPC, 16 Unlawful Activities Prevention Act 1967 (Amendment 2012), Section 3 of The Explosive Substance Act 1908, section 16 Unlawful Activities Prevention Act 1967 (Amendment 2012) was registered at Police Station Sarhali, District Tarn Taran on the basis of the statement of ASI Bishan Lal, which is to the following effect:-

*“I was doing night duty at police station Sarhali being MHC and HC Narinder Singh was deputed on guard duty. I was present in my office. At about 11:15 PM. HC Narinder Singh who was doing guard duty informed me that he had heard noise of some explosion at Suvidha Center of Police station. On receiving this information, I along with HC Narinder Singh reached there and found that smoke was coming out and I also found the smell of some explosive material. On further inspection of the Suvidha Center, the outer gate made of glass was found to be broken. When I entered the room, on the floor I found some object of the shape of projectile was lying and the strip of the iron of police station was also found to be in broken condition. When I came out on the road, then on the corner I found some object in the shape of plastic pipe. I am of firm belief that the said act of the blast has been committed by some anti-social elements.”*

8(a) DSP Satnam Singh of Sub-division Patti conducted investigation and the spot was inspected and one rocket launcher and one RPG 26 shell were taken into possession near the place of occurrence. The District Magistrate had deputed Shri Rakesh Kumar Garg, Tehsildar to visit the spot. Bomb disposal unit was also summoned at the spot. The team of bomb disposal inspected the RPG and on 11.12.2022 RPG was disposed of. The

shell of RPG 26 and part of it including parpalid was disposed. On 13.12.2022 offence under section 427, 120-B of IPC were also added.

8(b). On 15.12.2022 during the course of investigation, Gurlal Singh @ Gala son of Parmatama Singh, resident of Dhile Chohla Sahib was found in possession of 10 bullets of 32 bore and Gurpreet Singh @ Gopi Lambardar son of Gurshan Singh, resident of Naushera Pannuan was found in conscious possession of one pistol of 32 bore along with five live cartridges and Gurpreet Singh and Gurlal Singh @ Gala were found in possession of motorcycle bearing PB47-B-5255 Bajaj CT 100. Jobanpreet Singh @ Joban son of Hardeep Singh was found in possession of 30 pistols of 30 bore along with 5 live cartridges of the same bore whereas learned counsel for the accused has clarified before learned Additional Sessions Judge, Tarn Taran that only one pistol of 30 bore was recovered. Surlal Pal @ Gurlal Singh Lalli son of Sukhwinder Singh was found in conscious possession of 30 live cartridge of 30 bore.

8(c) On 16.12.2022 during the course of investigation Gurpreet Singh @ Gopi Numbardar son of Gursharan Singh @ Noni has made disclosure statement and one P-86 Hand grenade was recovered from his possession. Gurlal Singh @ Gala made a disclosure statement and got recovered Rs. 20000/- from his house.

8(d) On 16.12.2022, Juvenile D.S. got recovered the 10 live cartridges of .32 bore and juvenile P.S. alias R got recovered one pistol make 32 bore with five live cartridges. Accused Ajmer Singh son of Major Singh suffered disclosure statement that attack on P.S. Sarhali with RPG was got done through both juveniles D.S. and P.S. alias R and after that Satnam alias Satta son of Jaswant Singh, Ravinder Singh @ Nannu and Harmandeep Singh @

Mintu gave shelter to those persons in their house and these two were nominated under Section 216 IPC.

8(e) On 26.12.2022 vide Rapat no. 23 accused Kulbir Sigh @ Nutri son of Jaswant Singh, Hira Singh son of Sarwan Singh and Davinder Singh son of Ajit Singh were arrested and on 27.12.2022 they were produced before the learned Illaqa Magistrate.

8(f) During the course of investigation, Davinder Singh and Yadwinder Singh @ Yada were nominated and on 27.12.2022 Davinder Singh and Kulbir Singh made disclosure statement that Kulbir Singh along with Yadwinder Singh @ Yada who is presently residing in Manila had concealed one rocket launcher near Marhana and the same was taken from the said place by him along with Hira Singh and kept the same in the jute bag and concealed the same in the mand area and Kulbir Singh has exclusive knowledge of the same.

8(g) On 27.12.2022 Kulbir Singh and Hira Singh in the police custody got recovered one rocket launcher RPG which was taken into possession.

8(h) On 30.12.2022 vide Rapat no. 41 Gursewak Singh son of Sarwan Singh, Kuldeep Singh @ Laddu, Arshdeep Singh Machhi were arrested and Arshdeep Singh was found in possession of 32 air gun along with one bullet 32 bore. Gursewak Singh was found in possession of 32 bore air gun and parts of air gun. Kuldeep Singh @ Laddu was found in possession of country made pistol 315 bore along with three live cartridges of the same bore.

9. Learned trial Court granted the benefit of regular bail to accused, namely, Jobanpreet alias Joban, Gurpreet Singh @ Gopi Numberdar, Kuldeep Singh @ Landu, Gurlal Singh @ Galla, Gursewak Singh @ Khali, Surlal Pal

Singh alias Gurlal Singh alias Lalhi, on the ground that challan had already been presented and conclusion of the trial is likely to take time and no useful purpose would be served by keeping these accused in custody.

10. Learned State counsel failed to point out that after release on bail, these accused (respondents herein) have violated any terms and conditions of the bail orders as imposed by the trial Court or indulged themselves in any other offence. The considerations for cancellation of bail are entirely different from considerations made at the time of grant of bail to an accused. Hon'ble Apex Court in its recent judgment in *Abhimanue etc. vs. State of Kerala, 2025(4) RCR (Criminal) 382*, observed as under:-

*“17. Law is well settled that cancellation of bail is distinct from revocation of an order granting bail. Bail may be cancelled when the accused violates any of the conditions imposed. On the other hand, an order granting bail can be revoked if such an order is found to be perverse or illegal. (emphasis supplied)”.*

11. While making above noted observations, reliance was placed on three Judges Bench judgment of the Hon'ble Apex Court in *P vs. State of Madhya Pradesh, 2022(15) SCC 211*, wherein after analyzing various previous decisions, the distinction between grant of bail and cancellation of bail order has been discussed as under:-

**“21.** Echoing the above principle, in *Ranjit Singh v. State of M.P.* [*Ranjit Singh v. State of M.P.*, (2013) 16 SCC 797; (2014) 6 SCC (Cri) 405], it has been held thus:

*“19. ... There is also a distinction between the concept of setting aside an unjustified, illegal or perverse order and cancellation of an order of bail on the ground that the accused has misconducted himself or certain supervening circumstances warrant such cancellation. If the order granting bail is a perverse one or passed on irrelevant materials, it can be annulled by the superior Court.”*

**22.** In *Abdul Basit v. Mohd. Abdul Kadir Chaudhary* [*Abdul Basit v. Mohd. Abdul Kadir Chaudhary*, (2014) 10 SCC 754 : (2015) 1 SCC (Cri) 257], this Court has opined that: (SCC p. 763, para 19) *“19. Therefore, the concept of setting aside an unjustified, illegal or perverse order is different from the concept of cancellation of a bail on the ground of accused's misconduct or new adverse facts having surfaced after the grant of bail which require such*

cancellation and a perusal of the aforesaid decisions would present before us that an order granting bail can only be set aside on grounds of being illegal or contrary to law by the court superior to the court which granted the bail and not by the same court.”

**24.** As can be discerned from the above decisions, for cancelling bail once granted, the court must consider whether any supervening circumstances have arisen or the conduct of the accused post grant of bail demonstrates that it is no longer conducive to a fair trial to permit him to retain his freedom by enjoying the concession of bail during trial [*Dolat Ram v. State of Haryana*, (1995) 1 SCC 349 : 1995 SCC (Cri) 237] . To put it differently, in ordinary circumstances, this Court would be loathe to interfere with an order passed by the court below granting bail but if such an order is found to be illegal or perverse or premised on material that is irrelevant, then such an order is susceptible to scrutiny and interference by the appellate court.

**25.** Some of the circumstances where bail granted to the accused under Section 439(1) CrPC can be cancelled are enumerated below:-

- (a) If he misuses his liberty by indulging in similar/other criminal activity;
- (b) If he interferes with the course of investigation;
- (c) If he attempts to tamper with the evidence;
- (d) If he attempts to influence/threaten the witnesses;
- (e) If he evades or attempts to evade court proceedings;
- (f) If he indulges in activities which would hamper smooth investigation;
- (g) If he is likely to flee from the country;
- (h) If he attempts to make himself scarce by going underground and/or becoming unavailable to the investigating agency;
- (i) If he attempts to place himself beyond the reach of his surety.
- (j) If any facts may emerge after the grant of bail which are considered unconducive to a fair trial.

We may clarify that the aforesaid list is only illustrative in nature and not exhaustive. (emphasis ours).”

12. Learned State counsel failed to point out how the bail orders granted in favour of the respective respondents are perverse or whether the accused (respondents herein) had misused their liberty by indulging in similar/other criminal activities; interfered with the course of trial; attempted to tamper with the evidence; attempt to influence/threaten the witnesses or indulged themselves in activities which would hamper smooth trial or there is likelihood of their fleeing from the Court of justice or they are unavailable during trial or placed themselves beyond the reach of their sureties or did

anything which is uncondusive to a fair trial. In the absence of any such circumstances, there is no ground for cancellation of bail orders rendered in respective bail applications in favour of the respondents/accused especially when State slept over for a considerable period to file criminal appeals even after obtaining sanction from Department of Home Affairs & Justice. Hence, all the appeals filed by the appellant-State of Punjab for cancellation of bail granted to the respondents stand dismissed being devoid of merits.

A copy of this order be placed in the connected files.

(GURVINDER SINGH GILL)

JUDGE

(RAMESH KUMARI)

JUDGE

27.11.2025

ravinder

|                           |         |
|---------------------------|---------|
| Whether speaking/reasoned | √Yes/No |
| Whether reportable        | √Yes/No |