

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

2026.PHHC.006404



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**CRM-20021-2024 in/&
CRR-923-2024**

State of Punjab

....Applicant/Appellant

V/s

Jaswinder Kaur @ Ghukkar

....Respondent

Date of decision: 19.01.2026

Date of uploading: 19.01.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Adhiraj Singh, AAG, Punjab.

SUMEET GOEL, J. (Oral)

CRM-20021-2024

1. The present application has been filed on behalf of the applicant-State seeking condonation of delay of 225 days in filing the accompanying revision. The main revision has been filed impugning the order dated 29.05.2023 passed by the learned Judge Special Court, Sangrur.

2. Learned counsel appearing for the applicant-State, while seeking grant of the prayer for condonation of delay of 225 days, has argued that the certified copy of the impugned order was applied for by the office of the District Attorney, Sangrur on 29.05.2023 and was received from the Copying Branch on 29.07.2023, whereupon the limitation to file the revision was available up to 26.10.2023. After receipt of the certified copy within limitation, the learned District Attorney, Sangrur accorded approval on 09.08.2023 for filing the criminal revision and forwarded the case on

10.08.2023 to the Director, Prosecution and Litigation, Additional Secretary to the Government of Punjab, Chandigarh, for a final decision. Learned State counsel further submits that the Director, Prosecution and Litigation concurred with the opinion tendered by the learned District Attorney and forwarded the matter to the Department of Home Affairs and Justice (Judicial Branch-II), Government of Punjab, Chandigarh, for grant of sanction. The file thereafter remained under consideration in the said Department, and the requisite sanction for filing the criminal revision was ultimately accorded on 09.11.2023. It is further submitted that the matter was thereafter examined at multiple levels for legal opinion, including by the learned Law Officer, Senior Deputy Advocate General, and the Additional Advocate General, Punjab, who, upon consideration of the entire record, opined that it was a fit case for filing a criminal revision. Certain objections were thereafter raised, which necessitated correspondence with the concerned department and compliance therewith. Upon completion of all procedural formalities, preparation and vetting of affidavits, and drafting of grounds, the present criminal revision has been filed. Learned State counsel submits that the delay in filing the present criminal revision is neither intentional nor deliberate, but has occurred on account of the procedural movement of the file through various statutory and administrative channels. No prejudice is caused to the respondent, whereas grave prejudice would be caused to the State in case the delay is not condoned. It has been argued by learned counsel that due to the procedural requirements as detailed above, a delay of 225 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-appellant 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 revision/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 revision 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 225 days in filing the accompanying revision is sought for on the following relevant averments:

“1. That the petitioner is filing the accompanying criminal revision against the impugned order dated 29.05.2023 passed by Ld. Judge Special Court, Sangrur, which is likely to succeed on the grounds mentioned therein which may kindly be read as part and parcel of the present application.

2. That the office of the District Attorney, Sangrur applied for the certified copy of the impugned order on 29.05.2023, which was received from copying branch on 29.07.2023, hence limitation, was

available upto 26.10.2023. After the receipt of the certified copy of the aforesaid order within limitation, Ld. District Attorney, Sangrur gave his approval for filing of criminal revision in the present case before this Hon'ble Court on 09.08.2023 and thereafter, the case was forwarded vide Memo No. 18 (246)2023-11AD/3455 dated 10.08.2023 by the Ld. District Attorney, Sangrur to the Director, Prosecution and Litigation, Additional Secretary to Government of Punjab, Chandigarh for taking final decision thereupon.

3. That it is submitted that the office of the Director, Prosecution and Litigation, Additional Secretary to Government of Punjab, Chandigarh agreed with the opinion tendered by the Ld. District Attorney, Sangrur for filing of criminal revision in the present case before the Hon'ble Punjab and Haryana High Court Chandigarh and the case was forwarded by the Director, Prosecution and Litigation. Additional Secretary to Government of Punjab, Chandigarh to the Department of Home Affairs & Justice (Judicial Branch-II), Govt. of Punjab, Chandigarh for according sanction in this regard.

4. That it is submitted that the documents remained pending in the Department of Home Affairs & Justice (Judicial Branch-II), Govt. of Punjab, Chandigarh and the sanction has been accorded on 09.11.2023 for filing of the criminal revision in the present case before this Hon'ble Court.

5. That thereafter the matter was marked to the law officer for legal opinion on 22.09.2023 That thereafter the Ld Law Officer, after reading the complete case file, gave the first opinion on 26.09.2023 and thereafter on 27.09 2023, the Senior Deputy Advocate General, Punjab gave the second opinion and final opinion was given by Additional Advocate General, Punjab on 05.10.2023 and agreed that it is a fit case to file revision. That thereafter vide Memo No 02/119/2023-1Judi 2/5041 dated 09.11.2023, the Department of Home and Justice (Judicial-2 Branch) again sent the file to the office of Ld Advocate General along with more record while sanctioning and approving the opinion of the Ld. Advocate General office vide Memo No.02/119/2023-1Judl.2/5041 dated 09.11.2023 and thus on 14.11.2023, the case was sent for drafting of the present revision on 15.11.2023 after examine the case. Ld. Law Officer raise the objection on 17.11.2023, and mail sent to SSP Sangrur Punjab on 18.11.2023. After that objection compliance department on 15.01.2024 and the grounds of revision were drafted by the Law Officer on 24.01.2024. The office of the Ld. Advocate General,

Punjab informed office of the Senior Superintendent of Police Sangrur with regard to preparation of the affidavits in support of grounds of revision and condonation of delay through email on 24.01.2024 Applications/affidavits were prepared by concerned department on 20.03.2024 and the same were duly vetted by Ld. Law Officer on 20.03.2024, after that all the relevant formalities have been completed and thus, the present criminal revision is being filed.

6. That the delay in filing present criminal revision is neither intentional nor willful but due to the bona-fide reasons stated above, so the delay in filing the criminal revision may kindly be condoned in the interest of justice.

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 225 days in filing the accompanying revision. 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 225 days in filing the accompanying revision merits dismissal.

Decision

9. The application (*CRM-20021-2024*) seeking condonation of delay of 225 days in filing the accompanying revision is dismissed. Since the application seeking condonation of delay has been dismissed, the main revision petition stands dismissed as well accordingly.
10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

January 19, 2026
Naveen

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