

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

2026.PHHC.006451



140

**CRM-23522-2025 in/&
CRA-AS-99-2025**

State of Punjab

....Applicant/Appellant

V/s

Baldev Singh

....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-23522-2025

1. The present application has been filed on behalf of the applicant-State seeking condonation of delay of 597 days in filing the accompanying appeal. The main appeal has been filed impugning the judgment dated 03.05.2023 passed by the learned Judge Special Court, Ferozepur.

2. Learned counsel appearing for the applicant-State, while seeking grant of the prayer for condonation of delay of 597 days, has argued that the certified copy of the judgment dated 03.05.2023 was applied for on the same day and was prepared and delivered on 10.05.2023. Thereafter, the matter was forwarded to the office of the District Attorney, Ferozepur, for opinion as to whether an appeal should be preferred. The learned District Attorney, Ferozepur opined that the present case was a fit one for filing an appeal

seeking enhancement of sentence on the ground of inadequacy of sentence.

The said opinion was concurred with by the learned Assistant District Attorney, Ferozepur on 29.05.2023, whereupon the proposal was forwarded to the Director, Prosecution and Litigation, Punjab. It is further submitted that the Director, Prosecution and Litigation, Punjab examined the proposal and forwarded the same to the Department of Home Affairs and Justice. The file was thereafter received from the Department of Home Affairs and Justice (Judicial-II Branch), Punjab, Chandigarh on 13.06.2023, along with the recommendation of the Director, Prosecution and Litigation for tendering opinion against the judgment dated 03.05.2023. Upon examination of the entire record, the learned Assistant Advocate General, Punjab gave his opinion dated 21.06.2023, recommending filing of an appeal for enhancement of sentence before this Hon'ble Court. The said opinion was further affirmed by the learned Additional Advocate General, Punjab vide opinion dated 01.07.2023. Learned State counsel further submits that the Department of Home Affairs and Justice agreed with the aforesaid opinions and accorded sanction for filing the appeal before this Hon'ble Court vide Memo No. 2/81/2023-3Judl-2/3372 dated 10.07.2023. The said sanction was received in the office of the learned Advocate General, Punjab on 12.07.2023, whereafter the grounds of appeal were drafted. It is submitted that thereafter, the office of the learned Advocate General, Punjab addressed an email dated 18.07.2023 to the office of the Senior Superintendent of Police, Ferozepur, seeking affidavits in support of the application for condonation of delay and the grounds of appeal. He has further argued that the task was marked to concerned for necessary action, however, the said official failed to forward the file to the concerned Investigating Officer. As a result, the file remained pending with the said official from 18.07.2023 till 25.01.2025. Consequently,

vide Memo No. 192-5A dated 27.01.2025, the SHO, Police Station Sadar, Ferozepur submitted a report for initiation of departmental proceedings against the erring official. Learned State counsel submits that thereafter, the requisite applications and affidavits were prepared by the concerned department on 17.02.2025 and were duly vetted by the learned Law Officer on the same day. Upon completion of all procedural formalities, the present appeal has been filed before this Hon'ble Court without any further delay. Learned State counsel submits that the delay in filing the present criminal appeal 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 597 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 appeal 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 appeal/appeal 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:

xxx xxx xxx xxx

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***.”

xxxxxxxxxxxxxxxxxxxxxxxxxxxx

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.

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

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 597 days in filing the accompanying appeal is sought for on the following relevant averments:

“3. That the certified copy of the above said judgment was applied on 03.05.2023 and the same was prepared and delivered on 10.05.2023 and thereafter the file was sent to the office of District Attorney, Ferozepur for opinion that whether the appeal should be preferred against the order or not. The District Attorney, Ferozepur gave its opinion that the present case is a fit case for filing appeal for enhancement of sentence on the ground of inadequacy of sentence. Thereafter, the file was sent to the office of Ld.ADA, Ferozepur, who also agreed with the opinion of District Attorney, Ferozepur on 29.05.2023. Thereafter, the District Attorney has sent the proposal to Director Prosecution and Litigation, Punjab.

4. That the Director, Prosecution & Litigation, Punjab examined the proposal and the same was sent to the Department of Home Affairs and Justice and thereafter file was received on 13.06.2023 from the Department of Home Affairs and Justice (Judicial II Branch), Punjab Chandigarh vide memo no. 02/81/2023-3Jud12/2774 dated 09.06.2023, with recommendation of Director Prosecution and Litigation, Punjab, Chandigarh for tendering opinion against the order dated 03.05.2023. Thereafter, d. Assistant Advocate General, Punjab examined the 3. That the certified copy of the above said judgment was applied on 03.05.2023 and the same was prepared and delivered on 10.05.2023 and thereafter the file was sent to the office of District Attorney, Ferozepur for opinion that whether the

appeal should be preferred against the order or not. The District Attorney, Ferozepur gave its opinion that the present case is a fit case for filing appeal for enhancement of sentence on the ground of inadequacy of sentence. Thereafter, the file was sent to the office of Ld.ADA, Ferozepur, who also agreed with the opinion of District Attorney, Ferozepur on 29.05.2023. Thereafter, the District Attorney has sent the proposal to Director Prosecution and Litigation, Punjab.

4. That the Director, Prosecution & Litigation, Punjab examined the proposal and the same was sent to the Department of Home Affairs and Justice and thereafter file was received on 13.06.2023 from the Department of Home Affairs and Justice (Judicial II Branch), Punjab Chandigarh vide memo no. 02/81/2023-3Judl2/2774 dated 09.06.2023, with recommendation of Director Prosecution and Litigation, Punjab, Chandigarh for tendering opinion against the order dated 03.05.2023. Thereafter, d. Assistant Advocate General, Punjab examined the entire record and gave his opinion dated 21.06.2023 with the observations to file the appeal for enhancement of sentence before this Hon'ble Court. Thereafter, another opinion was sought from Additional Advocate General, Punjab, who also gave his opinion dated 01.07.2023 on the same lines.

5. That thereafter, Department of Home Affairs and Justice agreed with the said opinions and has issued sanction for filing the appeal in this Hon'ble Court vide memo no.2/81/2023-3Judl-2/3372 dated 10.07.2023 and the said sanction was received in the office of Learned Advocate General Punjab on 12.07.2023 and the office of Advocate General drafted the grounds of appeal.

6. That the office of Advocate General, Punjab sent email in the office of Sr. Superintendent of Police, Ferozepur regarding supply of affidavit for condonation of delay and in support of grounds of appeal vide email dated 18.07.2023. Thereafter the task was marked to ASI Binder Singh No.369/FZR to do the needful requirement for marking the file to Investigating officer, but said official has failed to discharge his duty by marking the file to the concerned Investigating officer. Thus vide no. 192-5A dated 27.01.2025, SHO, PS:Sadar Ferozepur prepared a report for initiating departmental proceedings against the said Erring official. The file of the said case lying with the said official for sufficient from 18.07.2023 to 25.01.2025.

That the applications /affidavits were prepared by the concerned Department on 17.02.2025 and the same were duly vetted by the Ld. Law officer on 17.02.2025, after that all the relevant formalities have been completed and thus the present appeal is being filed before this Hon'ble Court without committing any further delay.”

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 597 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 597 days in filing the accompanying appeal merits dismissal.

Decision

9. The application (*CRM-23522-2025*) seeking condonation of delay of 597 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

January 19, 2026
Naveen

Whether speaking/reasoned:	Yes
Whether reportable:	Yes