

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

2025:PHHC:134551



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**CRM-15310-2025 in/&
CRA-AS-62-2025**

Date of decision: 25.09.2025

State of Punjab

...Applicant/Appellant

V/s

Pritam Singh @ Bittu

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

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

SUMEET GOEL, J. (Oral)

CRM-15310-2025

1. The present application has been filed on behalf of the applicant-State seeking condonation of delay of 242 days in filing the accompanying appeal. The main appeal has been filed impugning the judgment dated 01.02.2024, passed by the learned Sub-Divisional Judicial Magistrate, Guruharsahai, whereby respondent was acquitted from the charges framed against him in case FIR No.143 dated 10.06.2022 registered for the offences punishable under Sections 61/1/14 of Excise Act, at Police Station Guruharsahai, District Ferozepur.

2. Learned counsel appearing for the applicant-State, while seeking grant of the prayer for condonation of delay of 242 days has argued that the impugned judgment was passed on 01.02.2024 by the learned Trial Court, whereby the accused-respondent was sentenced to imprisonment for the period already undergone and was directed to pay a fine of Rs.300/-, with a default sentence of simple imprisonment for one day, in the FIR in question.

He has further submitted that the sentence awarded by the learned Trial Court was found to be grossly inadequate, particularly in light of the mandatory minimum sentence prescribed under Section 61 of the Punjab Excise Act, which mandates a sentence of not less than two years of imprisonment and a fine of not less than Rs.2,00,000/-. He has further iterated that the matter was, accordingly, placed before the Director Prosecution and Litigation, Punjab, Chandigarh, for obtaining necessary sanction to file an appeal against the inadequacy of sentence. The office of the Director Prosecution and Litigation granted sanction to file the appeal vide memo dated 06.03.2024. Thereafter, the file was forwarded to the Department of Home Affairs and Justice (Judicial-2 Branch), Punjab, Chandigarh for obtaining legal opinion. He has further submitted that all requisite documents, including a copy of the impugned judgment, were submitted to the office of the Deputy Advocate General, Punjab for legal scrutiny, who vide his opinion dated 31.03.2024, opined that the punishment awarded – being of only 9 days' imprisonment already undergone – was wholly inadequate and contrary to the statutory mandate under Section 61 of the Act. He had further recommended that an appeal for enhancement of sentence be filed. Pursuant thereto, the matter was further scrutinized by the Additional Advocate General, Punjab, who, after examining the record, also endorsed the view for filing the appeal, vide final opinion dated 05.04.2024. Thereafter, the file was again forwarded to the Department of Home Affairs and Justice (Judicial-2 Branch), Punjab, which granted the final sanction for filing the appeal on 18.04.2024. The said sanction was received in the office of the Advocate General, Punjab, and the grounds of appeal were accordingly drafted on 25.04.2024. Thereafter, on 20.07.2024, an email was received by the office of the Senior Superintendent of Police, Ferozepur, for preparation of the affidavit for condonation of delay

and finalization of appeal papers. The concerned official then collected the relevant documents, drafted the grounds of appeal, and prepared the application for condonation of delay along with supporting affidavit, completing all necessary formalities. It has been argued by learned counsel that due to the procedural requirements as detailed above, a delay of 242 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 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 242 days in filing the accompanying appeal is sought for on the following relevant averments:

“3. That there is delay of about more than 242 days in filing the present appeal. The impugned judgment was passed on 01.02.2024 vide which the Ld.Trial Court sentenced the accused to undergo imprisonment for the period already undergone and to pay fine of Rs.300/- and in default of payment of fine, he shall undergo S.I. for one day in FIR No.143 dated 10.06.2022 U/S 61/1/14 of Excise Act. Since the sentence awarded by the Ld. Trial Court is inadequate and as such the file was sent to the office of Director Prosecution and Litigation, Punjab Chandigarh and the said office vide memo no.2/34/2024-3AD2/788 dated 06.03.2024 gave sanction to file the appeal against the order dated 01.02.2024. Thereafter, the file was sent to the office of Department of Home Affairs and Justice (Judicial 2 Branch), Punjab, Chandigarh and accordingly the said case was marked for legal opinion.

4. That all the requisite papers along with copy of judgment were sent to the office of Deputy Advocate General, Punjab, for obtaining legal opinion that whether the case is fit for filing appeal against the inadequate sentence awarded to Pritam Singh @ Bittu. Ld.Law Officer, Deputy Advocate General scrutinized the same and gave his opinion dated 31.03.2024 vide which it was opined that the punishment awarded of already undergone, which essentially amounts to 9 days imprisonment, is grossly inadequate and against the mandatory minimum punishment provided under the Punjab Excise Act wherein Section 61 of the Act states, "which shall not be less than two years and such fine which shall not be less than two lakh rupees" and as such the appeal for enhancement of sentence should be filed.

5. That thereafter the file was sent to the office of Additional Advocate General, Punjab and Ld.Law Officer, Additional Advocate General scrutinized the file and also gave final opinion on the same lines by declaring the case for filing the appeal vide final opinion dated 05.04.2024.

6. That thereafter, file was sent to the Department of Home Affairs and Justice (Judicial -2 Branch), Punjab, Chandigarh for the sanction for filing the appeal in this Hon'ble Court and ultimately the said office issued sanction for filing the appeal vide memo no.2/34/2024-3Judl2/1113 dated 18.04.2024 and the said sanction in this respect was received in the office of Advocate General and the grounds of appeal were drafted by the office of Advocate

General, Punjab on 25.04.2024. Thereafter, the email was received in the office of Senior Superintendent of Police, Ferozepur on 20.07.2024 for drafting affidavit for condonation of delay and grounds of appeal and thereafter concerned official collected all the papers and got drafted the grounds of appeal, application for condonation of delay including affidavit in support thereof and completed other formalities.”

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 242 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-15310-2025*) seeking condonation of delay of 242 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 25, 2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No