

**IN THE COURT OF SH. BALJINDER SINGH SRA,
SPECIAL JUDGE, CBI, PUNJAB,
SAS NAGAR (MOHALI).**

CNR No.PBSA01-004855-2026

CIS No. : CRM-580-2026

Date of Registration : 11.05.2026

Date of Decision : 01.08.2026

Central Bureau of Investigation.

..... Petitioner/Applicant

Versus

Bhagwan Dass Garg & Others

.....Respondents

Application U/s 5 of the Limitation Act for condonation of delay in filing the revision petition.

Present: Sh. Anmol Narang, Ld. Public Prosecutor for the Petitioner/CBI.
Sh. D.S. Chawla, Advocate for the respondents/accused.

O R D E R :

1. This order of mine shall dispose of an application under Section 5 of the Limitation Act seeking the condonation of delay of 942 days in filing the revision petition.
2. Notice of the application was issued to the respondents who put in appearance through their counsel. Reply has been filed.
3. Record perused. Heard.
4. Perusal of the record reveals that the CBI has filed the present revision petition challenging the impugned order dated 14.07.2023 passed by the learned Special Judicial Magistrate, CBI, Punjab, Mohali. It is contended that, after the passing of the impugned order dated 14.07.2023, the CBI initially filed Revision Petition bearing CRR No. 117 of 2023 on 27.07.2023, i.e., within the prescribed period of limitation. However, during the pendency of the said revision petition, the FIR in the present case was quashed by the Hon'ble Punjab and Haryana High Court

*Special Judge, CBI
SAS Nagar (Mohali)
01.08.2026*

vide order dated 27.05.2024 passed in CWP No. 34297 of 2019. In light of the aforesaid order passed by the Hon'ble High Court, the learned trial Court, vide order dated 01.08.2024, dropped the proceedings against all the accused and consigned the file to the Record Room. Consequent thereto, the Revisional Court also disposed of the revision petition filed by the CBI, bearing CRR No. 117 of 2023, vide order dated 27.08.2024.

5. The CBI challenged the order dated 27.05.2024 passed by the Hon'ble Punjab and Haryana High Court in CWP No. 34297 of 2019 before the Hon'ble Supreme Court of India. The Hon'ble Supreme Court, vide order dated 25.04.2025, set aside the aforesaid order and restored the criminal proceedings to their original position. Pursuant thereto, the learned trial Court, vide order dated 20.09.2025, restored the criminal proceedings against all the accused. Thereafter, vide order dated 23.12.2025, the learned trial Court directed the CBI to comply with the order dated 14.07.2023 by supplying the un-relied-upon documents to the accused.

6. The CBI was constrained to file the present revision petition as the earlier revision petition, challenging the same impugned order, had already been disposed of vide order dated 27.08.2024 after the learned trial Court had dropped the proceedings and consigned the file to the Record Room in view of the order dated 27.05.2024 passed by the Hon'ble High Court in CWP No. 34297 of 2019. In these peculiar facts and circumstances, the CBI has sought condonation of a delay of 942 days in filing the present revision petition.

7. Although the CBI could have moved an application for restoration of the earlier revision petition, namely CRR No. 117 of 2023, which had been disposed of solely on account of the trial Court having dropped the proceedings, the restoration of the criminal proceedings by the Hon'ble Supreme Court and the consequential revival of the trial proceedings furnished the CBI with a fresh cause of action to institute the present revision petition challenging the impugned order dated 14.07.2023. Thus, the delay in filing the present revision petition stands satisfactorily

explained. The delay is not attributable to any negligence or inaction on the part of the CBI but is the result of the peculiar sequence of events and the exceptional facts and circumstances of the case.

8. Learned counsel for the respondents has placed reliance upon the following judgments:

'Commissioner of Central Excise and Customs v. Raj Kamal Lakhichand, (2012) 12 SCC 465'; 'Mangat Ram v. Avtar Singh' (Punjab & Haryana), Law Finder Doc. ID No. 1912052; 'State of Haryana v. Anil' (Punjab & Haryana), Law Finder Doc. ID No. 2141743; and 'Varinder Kaur Soi v. Gurdev Singh' (Punjab & Haryana), Law Finder Doc. ID No. 2858329, to contend that the CBI has failed to furnish a satisfactory explanation for the delay in filing the present revision petition.

9. However, it is trite that Section 5 of the Limitation Act empowers the Court to condone the delay in preferring an appeal or an application upon the applicant establishing the existence of "sufficient cause" for not approaching the Court within the prescribed period of limitation.

10. The term 'sufficient cause' is an elastic expression covering myriad reasons and has to be given a liberal interpretation and construction to advance the cause of justice. The endeavour of the court is to decide the rights of the parties on merits and not to shut the doors of the court on mere technicalities. Regarding the width and amplitude of power u/s 5 of the Limitation Act, 1963, though there are legions of judicial precedent obtainable on the same, however, it would be apposite to refer to the case of [State of Bihar & Ors. v. Kameshwar Prasad Singh & Anr 2001 \(1\) SC SLJ 76](#), wherein it was held that power to condone the delay in approaching the Court has been conferred upon the Courts to enable them to do substantial justice to parties by disposing the cases on merit. The relevant paragraphs of the case read as under:

"11. Power to condone the delay in approaching the Court has been conferred upon the Courts to enable them to do substantial justice to parties by disposing of matters on merits. This Court in

Collector, Land Acquisition, Anantnag v. Mst. Katiji (1987)ILLJ 500 SC held that the expression 'sufficient cause' employed by the legislature in the Limitation Act is adequately elastic to enable the Courts to apply the law in a meaningful manner which sub serves the ends of justice-that being the life purpose for the existence of the institution of Courts.....”

In Nand Kishore v. State of Punjab (1995)6 SCC 614 the apex court under the peculiar circumstances of the case condoned the delay of about 31 years in approaching the Court. In N. Balakrishnan v. M. Krishnamurthy 2008(228)ELT 162(SC) the apex court held that the purpose of Limitation Act was not to destroy the rights. It is founded on public policy fixing a life span for the legal remedy for the general welfare. The primary function of a Court is to adjudicate disputes between the parties and to advance substantial justice. The time limit fixed for approaching the Court in different situations is not because on the expiry of such time a bad cause would transform into a good cause. The object of providing legal remedy is to repair the damage caused by reason of legal injury. If the explanation given does not smack of malafides or is not shown to have been put forth as a part of a dilatory strategy, the Court must show utmost consideration to the suitor.

11. In the aforesaid view of the matter, the application under Section 5 of the Limitation Act is allowed and delay of 942 days in filing the revision petition stands condoned. Ahlmad is directed to register the petition under the head of Criminal Revision Petition.

PRONOUNCED IN OPEN COURT.

ON: 01.08.2026.

(BALJINDER SINGH SRA)
SPECIAL JUDGE, CBI, PUNJAB,
SAS NAGAR (MOHALI).
UID NO: PB0515.

Pawan Kumar,
Stenographer Grade-II.