

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

**109**

2025 PHHC 157974



**CRM-35791-2018 in/&  
CRM-A-2281-MA-2018 (O&M)**

State of Haryana

....Applicant/Appellant

V/s

Gulab Singh

....Respondent

**Date of decision: 14.11.2025**

**Date of uploading: 14.11.2025**

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Tarun Aggarwal, Addl.AG, Haryana &  
Mr. Gurmeet Singh, AAG, Haryana.  
for the applicant/appellant.

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**SUMEET GOEL, J. (Oral)**

**CRM-35791-2018**

1. The present application has been filed on behalf of the applicant-State seeking condonation of delay of 258 days in filing the accompanying appeal. The main appeal has been filed impugning the judgment dated 06.10.2017 passed by the learned Additional Sessions Judge, Fatehabad whereby respondent was acquitted from the charges framed against him in case FIR No.343 dated 09.06.2017 registered for the offences punishable under Section 379-A IPC at Police Station Ratia, District Fatehabad.
2. Learned counsel appearing for the applicant-State, while seeking grant of the prayer for condonation of delay of 258 days, has argued that that the District Attorney, Fatehabad, forwarded comments recommending that the matter is fit for filing an appeal against the impugned judgment dated within

the prescribed period of limitation, which was to expire on or about 04.01.2017, vide office memo No. 1781/DAF/2018 dated 26.10.2017. The copy of the judgment along with the police file was received in the office of the Superintendent of Police, Fatehabad, who agreed with the opinion of the District Attorney, Fatehabad, and accordingly referred the matter to the learned District Magistrate, Fatehabad, vide memo No. 46453 dated 07.11.2017. Learned State counsel has further submitted that the District Magistrate, Fatehabad, vide memo No. 1747 dated 14.12.2017, requested the Advocate General, Haryana, to prefer an appeal against the judgment of acquittal passed in favour of the accused. It was only, thereafter, the office of the Advocate General, Haryana, vide memo No. 87679-80 dated 29.08.2018, directed the Superintendent of Police, Fatehabad, to file the requisite affidavit along with an application seeking condonation of delay in filing the appeal. On completion of the remaining formalities, the present appeal was filed before this Court. It has been argued by learned counsel that due to the procedural requirements as detailed above, a delay of 258 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 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 258 days in filing the accompanying appeal is sought for on the following relevant averments:

*“2. That it is worthwhile to submit here that the District Attorney Fatehabad had sent the comments in the present case that it is a fit case for filing an appeal against the Judgement dated 06.10.2017 in the Hon'ble High Court of Punjab and Haryana at Chandigarh within the period of limitation which expires on or about 04.01.2017 vide their office memo No. 1781/DAF/2018 dated 26.10.2017. The copy of the judgement alongwith police file was received in the office of Superintendent of Police, Fatehabad and the Superintendent of Police, Fatehabad agreed with the opinion of District Attorney Fatehabad, referred it to L.d. District Magistrate Fatehabad vide memo No. 46453 dated 07.11.2017 alongwith the copy of judgement dated 06.10.2017.*

*3. That the District Magistrate Fatehabad vide memo No. 1747 dated 14.12.2017 sent a request to the Advocate General Haryana to prefer appeal against the judgement of acquittal of accused.*

*4. That the office of Advocate General Haryana vide 87679-80 dated 29.08.2018 has directed to the Superintendent of Police Fatehabad to file an affidavit and application for condonation of delay in filing the appeal.*

*5. That the delay is not malafide, rather bonafide one. The Appellant is not likely to gain anything by causing the delay. It is settled preposition of law that all the cases are to be decided on merit, rather than on technicalities. Procedures are only the handmade's of justice and to do complete and substantial justice of the procedures are required to be ignored, may be so done.*

*6. That under the above said facts and circumstances, there is a delay of 258 days in filing the Appeal, which is not international or malafide. The delay had occurred due to the facts mentioned above, that much time had been consumed in completion of procedural/official formalities. The Appeal deserves to be decided on merits after condonation of delay in filing the Appeal.”*

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 258 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 258 days in filing the accompanying appeal merits dismissal.

**Decision**

9.           The application (*CRM-35791-2018*) seeking condonation of delay of 258 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**

November 14, 2025  
*Naveen*

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