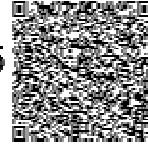


2026:PHHC:021765



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-A-1020-2025 (O&M)

Jaswinder Singh

....Applicant

versus

State of Punjab and another

....Respondents

Date of Decision: February 12, 2026

Date of Uploading: February 12, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ivan Singh Khosa, Advocate for the applicant.

Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J. (ORAL)

The application CRM-22756-2025) has been filed on behalf of the applicant/petitioner seeking condonation of delay of 129 days in filing the application seeking leave to appeal. The application seeking leave to appeal has been filed impugning the judgment dated 25.09.2024 passed by learned Additional Sessions Judge, Ludhiana, whereby, the appeal filed by respondent No.2 – accused, namely Yasin Mohd. against the judgment and order dated 10.11.2016 passed by learned Judicial Magistrate Ist Class, Ludhiana, in criminal complaint case under Section 138 of the Negotiable Instruments Act, 1881 (for short 'NI Act'), was allowed, thereby, setting aside the judgment and order dated 10.11.2016 and acquitting respondent No.2 from the notice service under Section 138 of the NI Act.

2. Learned counsel for the applicant, while seeking grant of prayer for condonation of delay of 129 days, has iterated that the delay has occurred due to lack of sufficient funds to avail services of an Advocate to contest case on his behalf. Learned counsel for the applicant has further argued that the

circumstances of the case indicate that the delay in filing the instant application seeking leave to appeal is neither intentional nor deliberate & hence delay deserves to be condoned.

3. I have heard learned counsel for the applicant 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:
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. Condonation of delay of 129 days in filing the accompanying application seeking leave to appeal is sought for on the ground that due to lack of sufficient funds, the applicant could not avail services of an Advocate to contest case on his behalf, and, thus, the delay in filing the instant application seeking leave to appeal is neither intentional nor deliberate & hence delay deserves to be condoned.

7. A perusal of the above-said averments clearly show that no reasonable or plausible explanation has been furnished by the applicant (*herein*) to condone the delay of 129 days in filing the accompanying application seeking leave to appeal. Moreover, the explanation given in the application does not inspire any confidence. Flimsy grounds have been taken to explain the delay. Perusal of the application would reveal that not only the application has been filed in a mechanical manner, but even the mandate of law, which envisages each day’s delay has to be explained, is completely amiss in the averments of the application. No worthwhile explanation has been given for the same.

7.1. No cause much less sufficient cause, as required in law, has been shown to condone the delay of 129 days in filing the accompanying application seeking leave to appeal. The delay is both inordinate and inexplicable. It is axiomatic that condonation of delay is a matter of discretion of the Court.

Section 5 of the Limitation Act does not say that such discretion can be exercised only if the delay is within a certain limit. Length of delay is no matter, acceptability of the explanation is the only criterion. Sometimes delay of the shortest range may be uncondonable due to want of acceptable explanation whereas in certain other cases, delay of a very long range can be condoned as the explanation thereof is satisfactory. 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. Hence the application seeking condonation of delay of 129 days in filing the accompanying revision petition merits dismissal.

Decision

8. The application (CRM-22756-2025) seeking condonation of delay of 129 days in filing the application seeking leave to appeal is dismissed. Since the application seeking condonation of delay has been dismissed, the application seeking leave to appeal stands dismissed as well accordingly.

9. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

February 12, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No