

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

2026.PHHC:059551



CRR-117-2024 (O&M)
Date of Decision: 20.04.2026

GAGANDEEP SINGH **... PETITIONER**
VERSUS
STATE OF UT CHANDIGARH **... RESPONDENT**

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Inderjit Kaushal, Advocate for the petitioner.

Mr. Anil Kuma Lamdharia, Addl. P.P. U.T. Chandigarh with
Mr. Roopse Sharma and Mr. Jatin Kumar, Advocate
for the respondent.

H.S. GREWAL, J. (ORAL)

1. The present revision petition has been filed against the order dated 22.11.2023 passed by the learned Additional Sessions Judge, Chandigarh in Criminal Appeal no. 88 of 2023 vide which the Ld. Appellate Court dismissed the application for condonation of delay of 1091 days in filing the Criminal Appeal against the conviction by the Ld. Trial Court under Section 379 IPC and was sentenced to fine of Rs.4000/- in case no. PCH 1297/2016.

2. Briefly, the case of the prosecution is that a complaint has been moved by the complainant C. Kartar Singh to the effect that on 19.11.2015 he was posted as constable in Haryana Mini Secretariat, Sector 17, Chandigarh. On that day his duty hours were from 06.00 PM to 10.00 PM backside of secretariat. When he was performing his duty he saw that one person was taking away some thing in the blue bag and on suspicion he

stopped him and called home guard Parminder. Thereafter he checked the said bag and it was containing two monitors and one CPU, Key board, two mouse and pen etc. Upon the said complaint, FIR was got registered, investigation was carried out and the petitioner was arrested and was convicted by the Ld. Trial Court under Section 379 IPC and sentenced to payment of fine of Rs.4000/-. Aggrieved by the said judgment of conviction, the petitioner approached the Ld. Appellate Court who dismissed the application of the petitioner for condonation of delay of 1091 days in filing the Criminal Appeal.

3. Learned Counsel for the petitioner submits that the appeal of the petitioner was dismissed only on the ground of delay of 1091 days. The petitioner submits that due to Covid-19, he was in bad financial position and the period in question was also effected as pandemic was operative and petitioner did not come to know about his conviction.

4. *Per contra*, learned State counsel has opposed the revision petition on the score that the same is without substance and does not explain such huge delay in filing the appeal.

5. I have heard learned counsel for the parties and have perused the material available on record.

6. The perusal of the impugned order indicates that the Appellate Authority without considering the merits of the appeal as well as the grounds taken by the petitioner in the application for condonation of delay, has dismissed the appeal filed by the petitioner solely on the ground of limitation. At this stage, reference can also be made to the judgment of this Court in CR No.2886 of 2014 titled as '**Babu Ram Vs. Rajesh**' decided on 04.05.2017, wherein the Court has emphasised as under:-

14. *There is a difference between "good cause" and a "sufficient cause". Every sufficient cause can be a good cause and vice versa. But in case any difference exists, it can only be that the requirement of good cause which is complied with on a lesser degree of proof Le. of "sufficient cause". The expression "sufficient cause" should be given a liberal interpretation to ensure that substantial justice is done, but only so long as negligence, inaction or lack of bona fides cannot be imputed to the party concerned, whether or not sufficient cause has been furnished can be decided on the facts of a particular case and, as such, no straitjacket formula is possible.*

15. *It is also settled legal proposition that law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the Statute so prescribes. The Court has no power to extend the period of limitation on equitable grounds. The statutory provision may cause hardship or inconvenience to a particular party but the Court has no choice but to enforce it by giving full effect to the same. The Statute of Limitation is founded on public policy, its aim is to secure peace in the community, to suppress fraud and perjury, to quicken diligence and to prevent oppression. Hon'ble the*

Apex Court in case of State of Nagaland v. Lipok A. O. And others, 2012 (5) SCC 157 has held in paragraphs 24 and 25, which are reproduced as under:-

"24. What colour the expression "sufficient cause" would get in the factual matrix of a given case would largely depend on bona fide nature of the explanation. If the court finds that there has been no negligence on the part of the applicant and the cause shown for the delay does not lack bona fides, then it may condone the delay. If, on the other hand, the explanation given by the applicant is found to be concocted or he is thoroughly negligent in prosecuting his cause, then it would be a legitimate exercise of discretion not to condone the delay.

25. *In case involving the State and its agencies/instrumentalities, the court can take note of the fact that sufficient time is taken in the*

decision making process but no premium can be given for total lethargy or utter negligence on the part of the officers of the State and/or its agencies/instrumentalities and the applications filed by them for condonation of delay cannot be allowed as a matter of course by accepting the plea that dismissal of the matter on the ground of bar of limitation will cause injury to the public interest".

16. It has been held in catena of judgments by this Court as well as by Hon'ble the Apex Court that in case any appeal has been filed beyond period of limitation, the Court has to consider the appeal on its own merits and if the case is meritorious one, then delay should be ignored. In case, there is sufficient reason in filing the appeal with delay, then it has to be condoned and appeal has to be decided on merits and not to be dismissed on technical ground of limitation.

17. Hon'ble the Apex Court has in case titled as Executive Officer, Antiyur Town Panchayat v. G. Arumugam (deceased) by LR's, 2015 (1) WLC(SC) 443 has held that Court must take the liberal view in larger public interest even in case where huge delay is there.

18. In another judgment of Hon'ble the Apex Court rendered in Lipok AO's case (supra), it has been held that the Court must always take a justice oriented approach while considering the application for condonation of delay. Similar view has been taken by Hon'ble the Apex Court in judgments passed in B. Madhuri Goud v. B. Damodar Reddy, 2012 (12) SCC 693, Collector, Land Acquisition, Anantnag and another v. Mst. Katiji and others, AIR 1987 (SC) 1353, a judgment of Karnataka High Court in B.R. Mallikarjuna v. Smt. D. Geetha, 2016 (1) KantLJ 520 and a judgment of Bombay High Court passed in Yuvraj Vithu Sutar v. Dinkar Lahu Sutar, 2012(2) BCR 119.

19. In view of facts and law position as discussed above, there is merit in the contentions raised by learned counsel for the petitioner and the present revision petition is allowed. The impugned judgment dated 22.3.2014 passed by the Appellate Court is set aside.

20. However, the case is remanded to the Lower Appellate Court to

reconsider the application for condonation of delay on the basis of averments made here-in-above as well as the merits of the appeal and pass order afresh after hearing both the parties within a period of three months from the date of receipt of certified copy of this order.”

7. In view of the above, the present petition is allowed and the impugned order dated 22.11.2023 passed by the learned Additional Sessions Judge, Chandigarh is hereby set aside. The Appellate Authority is directed to reconsider the application for condonation of delay on the basis of the grounds mentioned therein as well as the merits of the appeal and to pass a fresh order after affording an adequate opportunity of hearing to the parties within a period of three months from the date of receipt of certified copy of this order.

8. Pending miscellaneous application(s), if any, shall also stand disposed of.

20.04.2026
Janki

(H.S.GREWAL)
JUDGE

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