



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-A-163-2024 (O&M)
Date of decision: 24.09.2025

HARDEEP SINGH

...Applicant

VERSUS

KESAR SINGH

...Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Anish Kaushal as Legal Aid Counsel,
for the applicant.

VINOD S. BHARDWAJ, J. (Oral)

CRM-5432-2024

Prayer in the application is for condonation of delay of 56 days
in filing the appeal.

For the reasons mentioned in the application, the same is
allowed and delay of 56 days in filing the appeal is condoned.

CRM-A-163-2024

The present application has been preferred under Section 378(4)
of the Code of Criminal Procedure, 1973 (hereinafter 'CR.P.C.') seeking
grant of leave to appeal against the judgment of acquittal dated 07.10.2023
passed by the learned Judicial Magistrate First Class, Rajpura stemming out
from complaint No. 65RT/2022 dated 24.01.2019/2022 filed under Section
138 of the Negotiable Instruments Act, 1881.

2. It is noticed that the instant application pertains to the year 2024, however, no one has entered appearance on behalf of the applicant, hence, it is deemed expedient to nominate a Legal Aid Counsel. Mr. Anish Kaushal, Advocate, Enrollment No. 624/2025. Mobile No. 9914111154, who is present in the Court, is appointed as the Legal Aid Counsel to represent the case on behalf of applicant to arrive at a decision. He has gone through the case file and submits that the present application has been filed against the judgment of acquittal dated 07.10.2023 passed by the Judicial Magistrate 1st Class, Rajpura, in case bearing complaint No. 65RT/2022 dated 24.01.2019/22 filed under Section 138 of the Negotiable Instruments Act, 1881. He fairly submits that in view of the judgment passed by the Hon'ble Supreme Court in *M/s. Celestium Financial vs. A. Gnanasekaran Etc., 2025(3) RCR (Criminal) 208*, the applicant would have a remedy before the Court of Sessions.

3. The complaint (supra) was filed on the ground of dishonour of cheques issued by the accused-respondent bearing Nos. 047850 dated 10.05.2018 of Rs. 5 lacs, 048006 dated 15.09.2018 of Rs. 3 lacs, 048013 dated 30.09.2018 of Rs. 2 lacs. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 07.10.2023.

4. In view of the judgment rendered by the Apex Court in *Celestium Financial (supra)*, the present application seeking leave to appeal is **remanded** to the learned Sessions Judge, Patiala with a direction to treat the same as an appeal filed under Section 372 of the Cr.P.C. and entrust the same to appropriate Court for its disposal on merits.

- 5. The Registry is directed to send the complete paper-book and the record of the case to the learned Sessions Judge, Patiala forthwith.
- 6. Disposed of accordingly. Pending miscellaneous applications, if any, also stand disposed of.
- 7. A copy of this order be sent to the High Court Legal Service Committee for information and necessary action.

SEPTEMBER 24, 2025
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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