



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

251

CRM-A-542-2025 (O&M)

Date of decision: 29.10.2025

BHARPUR SINGH

...Applicant

VERSUS

GURMAIL SINGH AND ANOTHER

...Respondents

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

Present :- Ms. Kompal Arora as Legal Aid Counsel,
for the applicant.

VINOD S. BHARDWAJ, J. (Oral)

The present application has been preferred under Section 419 (4) of BNSS, seeking grant of leave to appeal against the judgment of acquittal dated 27.02.2025 passed by the learned Judicial Magistrate First Class, SAS Nagar stemming out from complaint No. COMI/46/2018 dated 29.06.2018 filed under Sections 406, 420, 379 and 120-B of the Indian Penal Code, 1860.

No one has entered appearance on behalf of the applicant, hence, it is deemed expedient to nominate a Legal Aid Counsel. Ms. Kompal Arora, Advocate, Enrollment No. P/3276/2018, Mobile No. 9877472235 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. She has gone through the case file and submits that the present application has been filed against the judgment of acquittal dated 27.02.2025 passed by the Judicial Magistrate 1st Class, SAS Nagar, in case CIS No. COMI/46/2018 filed

under Sections 406, 420, 379 and 120-B of the Indian Penal Code, 1860. She 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.

2. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 27.02.2025.

3. 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, SAS Nagar with a direction to treat the same as an appeal filed under Section 372 of the Cr.P.C. (now Section 413 of BNSS) and entrust the same to appropriate Court for its disposal on merits.

4. The Registry is directed to send the complete paper-book and the record of the case to the learned Sessions Judge, SAS Nagar forthwith.

5. Disposed of accordingly. Pending miscellaneous applications, if any, also stand disposed of.

6. A copy of this order be sent to the High Court Legal Service Committee for information and necessary action.

(VINOD S. BHARDWAJ)
JUDGE

OCTOBER 29, 2025

Vishal Sharma

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