



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-A-1525-2023 (O&M)
Date of decision: 26.11.2025

Kuldeep Kaur

...Applicant(s)

VERSUS

Kuldeep Singh

...Respondent(s)

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

Present :- Ms. Sukrit Chadha, Advocate for the applicant(s)
(Legal Aid Counsel).

Mr. Sahin Hussan, Advocate for the respondent(s).

VINOD S. BHARDWAJ, J. (Oral)

CRM-45638-2023

Prayer in the application is for condonation of delay of 436 days in filing the application for leave to appeal.

For the reasons mentioned in the application, the same is allowed and delay of 436 days in filing the application for leave to appeal is condoned.

CRM-45639-2023

Application is allowed as prayed for subject to all just exceptions. Copy of sale deed dated 14.07.2016 is taken on record.

Registry is directed to tag the same at an appropriate place with page marking.

**Main case:**

The present application has been preferred seeking grant of leave to appeal against the judgment of acquittal dated 26.11.2021 passed by the learned Sub Divisional Judicial Magistrate, Kharar, in a case stemming from complaint dated 17.07.2018 filed under Section 138 of Negotiable Instruments Act, 1881.

2. Vakalatnama on behalf of the respondent has been filed today in the Court and the same is taken on record.

3. The complaint (supra) was filed on the ground of dishonour of cheque of Rs.15,00,000/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 26.11.2021.

4. It is noticed that the instant application/appeal pertains to the year 2019, however, no one has entered appearance on behalf of the applicant(s), hence, it is deemed expedient to nominate a Legal Aid Counsel. Mr. Sukrit Chadha, Advocate (PH-5206-2025 and Mob. No. 94669-69111), who is present in the Court, is appointed as the Legal Aid Counsel to represent the case on behalf of applicant(s)/appellant(s) 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 26.11.2021 passed by the Sub-Divisional Judicial Magistrate, Kharar, in complaint dated 17.07.2018 filed under Section 138 of Negotiable Instruments Act, 1881. She fairly submits that in view of the judgment of the Hon'ble Supreme Court passed 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.

5. 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. (Section 413 of the Bharatiya Nagarik Suraksha Sanhita, 2023) and entrust the same to appropriate Court for its disposal on merits.

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

7. Disposed of accordingly.

8. Pending miscellaneous applications, if any, also stand disposed of.

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

(VINOD S. BHARDWAJ)
JUDGE

26.11.2025
Mangal Singh

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