



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

240

CRM-A-1337-2024 (O&M)

Date of decision: 27.11.2025

VINAY GARG

...Applicant

VERSUS

NARINDER GARG @ GANDHU AND ANOTHER

...Respondents

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

Present :- Mr. Tarun Singla, Advocate for the applicant.

VINOD S. BHARDWAJ, J. (Oral)

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 05.07.2024 passed by the learned Judicial Magistrate, 1st Class Bathinda in a case stemming from criminal complaint dated 07.07.2020 filed under Section 138 of the Negotiable Instruments Act, 1881 read with Section 420 of the IPC.

2. The complaint (supra) was filed on the ground of dishonour of cheque of Rs.95,000/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 05.07.2024.

3. Learned counsel appearing on behalf of the applicant 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.

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, Bathinda 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.

5. The Registry is directed to send the complete paper-book and the record of the case to the learned Sessions Judge, Bathinda forthwith.
6. Disposed of accordingly. Pending miscellaneous applications, if any, also stand disposed of.

NOVEMBER 27, 2025
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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