



**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

**247**

**CRA-AS-363-2024 (O&M)  
Date of decision: 29.10.2025**

DHARAMBIR

...Applicant

VERSUS

FAKIR CHAND

...Respondent

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

Present :- Ms. Varsha Chaudhary as Legal Aid Counsel,  
for the appellant.

Mr. Ram Kumar Saini, Advocate for  
Mr. Ankit Saini, Advocate for respondent.

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**VINOD S. BHARDWAJ, J. (Oral)**

The present appeal has been filed against the judgment of acquittal dated 22.01.2018 passed by the learned Judicial Magistrate First Class, Hisar stemming out from Criminal Complaint No.751-II dated 30.01.2015 filed under Section 138 of the Negotiable Instruments Act, 1881.

2. It is noticed that the instant appeal 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. Ms. Varsha Chaudhary, Advocate, Enrollment No. PH/4801/2024, Mobile No. 9872747708 who is present in the Court, is appointed as the Legal Aid Counsel to represent the case on behalf of appellant to arrive at a decision.

She has gone through the case file and submits that the present appeal has



been filed against the judgment of acquittal dated 22.01.2018 passed by the Judicial Magistrate 1st Class, Hisar, in case Criminal Complaint No. 751-II filed under Section 138 of the Negotiable Instruments Act, 1881. 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 appellant would have a remedy before the Court of Sessions.

3. The complaint (supra) was filed on the ground of dishonour of cheque issued by the accused-respondent bearing No. 132756 dated 15.12.2014 amounting to Rs. 15,00,000/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 22.01.2018.

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, Hisar 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, Hisar forthwith.

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



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

**OCTOBER 29, 2025**

*Vishal Sharma*

**(VINOD S. BHARDWAJ)  
JUDGE**

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