

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

236

**CRM-A-473-2025 (O&M)
Date of decision: 12.01.2026**

RELIGARE HOUSING DEVELOPMENT FINANCE CORPORATION
LIMITED

...Applicant

VERSUS

HIMANSHU SHARMA

...Respondent

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

Present :- Mr. H.P.S. Bhinder, Advocate
for the applicant.

VINOD S. BHARDWAJ, J. (Oral)

CRM-12107-2025

Prayer in the application is for condonation of delay of 235 days in filing the appeal.

For the reasons mentioned in the application, the same is allowed and delay of 235 days in filing the appeal is condoned.

CRM-12108-2025

Application is allowed as prayed for.

CRM-A-473-2025

The present application has been preferred under Section 419 (4) of the BNSS, 2023 read with Section 528 of BNSS seeking grant of leave to appeal against the order dated 06.05.2024 passed by the Judicial Magistrate, 1st Class, Gurugram in a case stemming from criminal complaint No. NACT-9523-2022 filed under Section 138 read with Section 142 and

Section 143A of the Negotiable Instruments Act, 1881.

2. Learned Counsel for the applicant contends that vide order dated 06.05.2024, passed by learned Judicial Magistrate, 1st Class, Gurugram, the petition was dismissed for want of prosecution.

3. It is evident 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, Gurugram 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, Gurugram forthwith.

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

(VINOD S. BHARDWAJ)
JUDGE

JANUARY 12, 2026
Vishal Sharma

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