



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

**295-2**

**CRM-A-3067-2019 (O&M)  
Date of decision: 30.09.2025**

Jasbir Singh

...Applicant

VERSUS

Shailesh Asthana

...Respondent

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

Present :- Mr. Ramaninder Singh as Legal Aid Counsel,  
for the applicant.

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

**CRM-41049-2019**

Prayer in the present application is for condonation of delay of 92 days in filing the application for leave to appeal.

For the reasons mentioned in the application, the same is allowed and delay of 92 days in filing application for leave to appeal is condoned.

**Main case**

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 24.04.2019 passed by the learned Judicial Magistrate First Class, Gurugram stemming out from complaint dated 29.02.2016/31.01.2019 filed under Section 138/142 of the Negotiable Instruments Act, 1881.

2. It is noticed that the instant application pertains to the year 2019, however, no one has entered appearance on behalf of the applicant,



hence, it is deemed expedient to nominate a Legal Aid Counsel. Mr. Ramaninder Singh, Advocate, PH-9227-2023, 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. He has gone through the case file and submits that the present application has been filed against the judgment of acquittal dated 24.04.2019 passed by the Judicial Magistrate 1st Class, Gurugram, in CIS No. 2815 of 2016 filed under Section 138/142 of the Negotiable Instruments Act, 1881. He 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.

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 24.04.2019.

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. 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.



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

**(VINOD S. BHARDWAJ)**  
**JUDGE**

**30.09.2025**

*Sumit Gusain*

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