

THE BOARD OF JUVENILE JUSTICE HEADED BY MS NIDHI KHURANA, PRINCIPAL MAGISTRATE, JUVENILE JUSTICE BOARD, FATEHGARH SAHIB.

CNR No.PBFG030000612026
C.I.S. No. JJB 1-2026
Enquiry Filing No.61 of 07.01.2026
FIR No. 459 of 16.05.2025.
U/s 147, 154 Railway Act,
P.S. RPF Post Sirhind
Date of decision:-27.07.2026

State

Versus

1. CCL xxxx, son of Mahesh Kumar, resident of H.No.317, Ward No. 11, Bhagat Colony, Brahaman Majra, Sirhind, District Fatehgarh Sahib.
2. CCL xxxx, son of Ramesh Kumar, resident of Bhagat Colony, Brahaman Majra, Sirhind, District Fatehgarh Sahib.

....Children in conflict with law.

Present: Ms. Lovejeet Kaur, APP for the State.
Children in conflict with law on bail represented by counsel Sh. JPS Batra, Adv.

JUDGMENT

1. The Children in conflict with law have been sent by the police of P.S. RPF Post Sirhind to stand enquiry for having committed an offence punishable under Sections 147, 154 Railway Act.
2. Briefly stating the facts of the prosecution version are that on 16.05.2025, on receipt of message from Control Room Ambala, SI Komal alongwith police party went to the place of occurrence i.e. km No. 313/27

and 314/1 in between Sirhind and Sadhugarh. They saw C Pardeep alongwith two children standing near railway tracks northwards, who disclosed that on receiving the information regarding pelting of stone on train no.22477 Vande Bharat Express, he went underneath the flyover and found that the CCLs were carrying stone and were sitting in railway tracks. On inquiry by SI Komal, CCLs disclosed that while they were playing with stones sitting within the railway track and when the train arrived on railway tracks at high speed, the stone, with which they were playing, hit the train window glass by mistake. SI Komal contacted escorting staff ASI Rakesh Kumar of board on aforesaid train who disclosed that the coach no.12 near seat no.74 of aforesaid train was hit by the stone when the train was about 1-2 km away from Sirhind station and the window glass of the train was broken by the stone. TT Jatinder and a passenger namely Bhushan also narrated the same fact as disclosed by ASI Rakesh. CCLs also admitted the aforesaid facts. CCLs were taken in custody. Custody memos were prepared by SI Komal on spot in his presence which bears his signatures at point A. Disclosure statements of CCL were recorded. After inquiry, CCLs were brought RPF Post Sirhind and the case was registered against them. During investigation, relevant record was collected and statements of the witnesses were recorded. After conclusion of the investigation present enquiry report was prepared and presented before the Juvenile Justice Board against the above named Children in conflict with law.

3. On appearance of the Children in conflict with law, they were supplied copies of the said report as per Section 207 Cr.P.C (now under Section 230 BNSS).

4. Finding a prima facie case, notice under Sections 147, 154 of Railway Act was served upon the Children in conflict with law, to which, they pleaded not guilty and claimed trial.

5. In order to prove its case the prosecution has examined PW1 HC Jai Singh, PW2 Nikhil Sharma SSE/Carriage and Wagon Station Katra and PW3 C. Pardeep.

6. Thereafter, the prosecution evidence was closed by order.

7. On closure of the evidence on behalf of the prosecution, statements of Children in conflict with law under Section 313 Cr.P.C were recorded wherein all incriminating material appearing against them in evidence was put to them, to which, the Children in conflict with law denied their complicity and pleaded innocence.

8. The Children in conflict with law did not lead any evidence and closed defence evidence.

9. This Board has heard learned APP for the State and Ld. defence counsel. The following points arises for determination:

1. *“Whether on 16.05.2025, at about 18 hours, in the area in between Sirhind and Sadhugarh between km. No 313/27-314/1 within the jurisdiction of RPF Post Sirhind, CCLs hit train no.22477 Vande Bharat Express with stone due to which window glass of the said train was broken thereby with rash and negligent act, CCLs endangered safety of persons traveling on railway and thereby committed an offence, punishable under section 154 of Railway Act?”*

2. *“Whether on the same date, time and place, CCLs without lawful authority entered upon railway premises*

and thereby committed an offence, punishable under section 147 of Railway Act?”

10. Ld.APP for the State argued that the prosecution has proved the guilt of the CCLs by leading cogent and convincing evidence in this case. She further argued that the prosecution has duly proved its version, hence, Children in conflict with law should be convicted for the offences, for which, they are facing trial.

11. The learned defence counsel has argued that the prosecution has failed to discharge its onus in successfully establishing the guilt alleged against the Children in conflict with law. He asserted that prosecution evidence is not acceptable, reliable as there are discrepancies in the statements of prosecution witnesses. Hence, prayed for their acquittal.

12. Learned counsel for Children in conflict with law has emphasized that nothing fruitful has come out through the testimonies of witnesses so examined in order to prove the offence alleged against the juveniles.

13. After hearing arguments of ld. APP and ld. defence counsel and perusing the file, it has been revealed that notice of accusation under sections 147, 154 Railway Act has been served upon the CCLs.

14. The story of the prosecution is that on 16.05.2025, at about 18 hours, in the area in between Sirhind and Sadhugarh between km. No 313/27-314/1 within the jurisdiction of RPF Post Sirhind, CCLs hit train no.22477 Vande Bharat Express with stone, due to which, window glass of the said train was broken, thereby with rash and negligent act, CCLs

endangered safety of persons travelling on or being upon railway and without lawful authority entered upon railway premises.

15. To prove the accusation, prosecution has examined PW1 HC Jai Singh, who deposed that on 16.05.2025, on receipt of message from Control Room Ambala, he alongwith SI Komal went to the place of occurrence i.e. km No. 313/27 and 314/1 in between Sirhind and Sadhugarh. They saw C Pardeep alongwith two children standing near railway tracks northwards who disclosed that on receiving the information regarding pelting of stone on train no.22477 Vande Bharat Express, he went underneath the flyover and found that CCLs were carrying stone and were sitting in railway tracks. On inquiry by SI Komal, CCLs disclosed that while they were playing with stones sitting within the railway track and when the train arrived on railway tracks at high speed, the stone, with which they were playing, hit the train window glass unintentionally. SI Komal contacted escorting staff ASI Rakesh Kumar of board on aforesaid train who disclosed that the coach no.12 near seat no.74 of aforesaid train was hit by the stone when the train was about 1-2 km away from Sirhind station and the window glass of the train was broken by the stone. TT Jatinder and a passenger namely Bhushan also narrated the same fact as disclosed by ASI Rakesh. He further stated that CCLs also admitted the aforesaid facts. CCLs were taken in custody, vide custody memo Ex.PW1/A prepared by SI Komal on spot in his presence. Disclosure statements of CCLs are Ex.PW1/B and Ex.PW1/C. Site plan is Ex.PW1/D. He further deposed that aforesaid documents were prepared by SI Komal at spot in his presence. After inquiry, CCLs were

brought RPF Post Sirhind and the case was registered against them vide DDR Ex.PW1/E. His statement Ex.PW1/F was recorded by IO SI Komal.

During his cross-examination, he deposed that he is not Investigating Officer of the present case. He has not seen broken glass of the train. He further stated that SI Komal had informed him about the broken glass of the train, who is the Investigating Officer of the present case. When they reached at the alleged place of occurrence, C. Pardeep was already present there and at that time C. Pardeep already called juveniles at the spot. He further stated that he has not seen anybody pelting stone on any train. No statement of train driver or any official of the train was recorded in the present case. No photograph of the broken glass of train was taken by the police in the investigation in his presence. He further stated that in the site plan, there is no mentioning of on which track that train was passing and on which place stone was pelted on the train. He does not know whether the alleged stone was taken into police possession or not. In site plan SI Komal had showed one railway track with DFCCIL and where food articles train are usually passing.

As per the police story the juveniles were sitting on the DFCCIL railway track. He does not know whether any Flyover number allotted to the place near to the alleged spot. Lakshmi and Radha were not present when the police party remained the allege spot. He further stated that it is correct that nobody had seen to pelt stone on train by any person. He further stated that he has no knowledge that as per rules, no police official having any authority to record disclosure statement of the minors. He further stated that his statement was not recorded on 16.05.2025. He has no reason

why I.O had not recorded his statement on 16.05.2025. He does do not know whether it is mandatory to record statement of police officials on the same day when any effective work has been done by them. His statement was recorded on 20.05.2025.

16. Prosecution further examined PW2 Nikhil Sharma SSE/Carriage and Wagon Station Katra, who deposed that he issued damage report dated 09.07.2025 with regard to coach no.243725 (C-12) of train no.22477. He assessed total damages Rs.10,683/-. His damage report is Ex.PW2/A. The said damage report was issued in reply to letter Ex.PW2/B received in his office by his staff Deepak Sharma. He also issued a letter in reply to letter Ex.PW2/B wherein the RPF sought CCTV footage of the said coach. Letter issued by him in reply to the said letter is Ex.PW2/C. No CCTV footage could be retrieved as the demand was made belatedly as the data could be saved only for 30 days.

During his cross-examination, he deposed that he was not the eye-witness of the present case. He issued the damage report on 09.07.2025, but the date of occurrence is 16.05.2025. He further stated that during that period the train was running. Thus, he could not refer anything material connecting the CCLs with the offence as per the case of the prosecution.

17. Prosecution further examined PW3 C. Pardeep, who deposed that on 16.05.2025, SI Komal instructed him to reach the place of occurrence about 1-2 km away from Sirhind Station where a Vande Bharat Express no. 22477 was hit by a stone. He reached the spot under flyover north side and saw two kids holding stones in hands sitting on railway tracks. On inquiry from them, they admitted having hurled a stone at the train. He produced

CCLs before SI Komal. The stone with which CCLs were playing hit the train window glass unintentionally. SI Komal contacted escorting staff ASI Rakesh Kumar on board on aforesaid train who disclosed that the coach no.12 near seat no.74 of aforesaid train was hit by the stone when the train was about 1-2 km away from Sirhind station and the window glass of the train was broken by the stone. TT Jatinder and a passenger namely Bhushan also narrated the same fact as disclosed by ASI Rakesh. His statement Ex.PW3/A was recorded by IO SI Komal.

During his cross-examination, he stated that it is correct that he has not seen both the CCLs pelting stone on the train. He further stated that it is correct that no independent person was join at the time of inquiry while conducted investigation against both the CCLs. He further stated that they were in uniform when proceedings were conducted against both the CCLs.

18. From the statements of prosecution witnesses, it has been established that PW1 HC Jai Singh is not Investigating Officer of the present case and he has not seen broken glass of the train. He further stated that SI Komal had informed him about the broken glass of the train, who is the Investigating Officer of the present case. He further stated that he has not seen anybody to pelt stone on any train. No statement of train driver or any official of the train was recorded in the present case. No photograph of the broken glass of train was taken by the police in the investigation in his presence. PW2 Nikhil Sharma deposed that he was not the eye-witness of the present case. He issued the damage report on 09.07.2025, but the date of occurrence is 16.05.2025. PW3 C Pardeep stated that it is correct that he has not seen both the CCLs pelting stone on the train. He further stated that it is

correct that no independent person was join at the time of inquiry while conducted investigation against both the CCLs. Thus, from the above discussed evidence, it is considered that non of the prosecution witnesses have witnessed the occurrence and there is no other material witness, who can prove the prosecution story with regard to the alleged incident being caused by the CCLs on record.

19. Moreover, no independent witness has been joined by the prosecution which is required in view of the judgment of the Hon'ble High Court titled as “ *Kuldip Singh vs. State of Haryana 2000(4) RCR (Criminal) 103 (P&H)*.”

20. As such, from the discussion made herein above, it is to be stated that prosecution evidence is bereft of material which could prove the case against the CCLs beyond shadow of reasonable doubt. Therefore, keeping in view the above said discussion and observations, both the Children in conflict with law stands acquitted of the notice framed against them. Case property, if any, be dealt with under the rules after expiry of period of appeal/revision. File be consigned to the Judicial Record Room.

Pronounced in open Court.

Dated: 27.07.2026

(Rakesh Kumar, JW)

(Nidhi Khurana)
Principal Magistrate,
Juvenile Justice Board,
Fatehgarh Sahib.

1. Ms. Aarti Verma _____,
2. Sh. Gulshan Rai _____, (Members Juvenile Justice Board, Fatehgarh Sahib.