

**In the Court of Ms. Kavita Sharma, PCS**  
**Judicial Magistrate First Class, Ludhiana**

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CHI No.437-2019

Date of Institution: 12.02.2019

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CNR No. PBLD03-005310-2019

Decided on: 24.01.2025

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**State**

*versus*

**1. Hardeep Singh**, son of Jasbir Singh, R/o Village Shaker Chak (Cheema Khurd), PS Sarai Amant Kha, Distt. Tarn Taran. **(Declared Proclaimed Offender vide order dated 18.12.2023)**

**2. Surinder Singh**, son of Jaswant Singh, R/o Lalton Kalan, PS Sadar, Ludhiana.

**3. Azad Singh**, son of Ramesh Kumar, R/o Village Sunet, Distt. Ludhiana. **(Declared Proclaimed Offender vide order dated 11.07.2022)**

...(Accused)

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**FIR No. 174 dated 23.07.2014**  
**Under Sections: 323, 342, 295-A,**  
**354 & 34 of IPC**  
**Police Station: Sarabha Nagar,**  
**Ludhiana**

Present: Sh. Bhavneet Arora, Learned APP for the State.  
Accused Surinder Singh on bail with counsel Sh. Paramjit Singh Notra, Advocate.  
**Accused Hardeep Singh declared Proclaimed Offender vide order dated 18.12.2023.**  
**Accused Azad Singh declared Proclaimed Offender vide order dated 11.07.2022.**

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**JUDGMENT:**

1. The accused persons were forwarded to face trial by SHO, PS Sarabha Nagar, Ludhiana for alleged commission of offences punishable

CHI/437/2019

under Sections 323, 342, 295-A, 354 & 34 of Indian Penal Code (*hereinafter referred to as 'IPC'*).

2. The prosecution version, as unfolds from the report under Section 173 Criminal Procedure of Code, 1973 (*hereinafter referred to as 'Cr.P.C.'*), is that on 23.07.2014 ASI Sapinder Singh along with police party were present at T-Point Senior Citizen Bhavan in connection with patrolling and checking, where complainant Harinder Singh son of Himant Singh came to the IO and got recorded his statement. He stated in his statement that he had been running a shop in the name and style of Bhadhal Studio as Photographer at Ayali Chowk, Virasat Bhawan, Forezepur Road, Ludhiana. One year ago, he read an advertisement in the newspaper namely "Ajit Newspaper" with regard to the Expert Canada Immigration, Office 23-F, First Floor, J.K Plaza, Near Orient Cinema, B.R.S Nagar, Ludhiana. The complainant along with his wife namely Rupinder Kaur visited the said office with regard to their intention go to Canada, where they met one Jaspreet Singh son of Rachpal Singh through the staff of said office. During meeting, complainant assured him to sent complainant's wife and son Hardial Singh to Canada permanently. The said Jaspreet Singh told the complainant for the expenses of Rs.12,50,000/- to send them at Canada and further assured that he would get their visa done within 6 months. Thereafter, complainant gave him cheques of different bank accounts i.e. Indian Overseas Bank, Badowl Cant., and Axis Bank, Mandi Jamalpur with regard to Rs.4 Lakh. Complainant and his wife also gave Rs.50,000/- to the father of accused in cash. The period of six months lapsed but they were

not sent abroad. When the complainant asked them about the delay, then then told him that the could not send them abroad and they would return all their money to them. Due to which, accused through different cheques paid Rs.2,50,000/- in the HDFC Bank, Mandi Jamalpur, Ludhiana but rest the amount was not paid by him. Thereafter, on 22.07.2014, the complainant along with wife and son visited the office of accused, where the accused's security guard took from us our mobile phone and send us in the office and locked the door. Thereafter, accused's staff send us to other office and locked the door. When complainant asked to one Surinder Singh about their boss and about my money, then he told me that Hardeep Singh already gave the money and now he would not giving any money to them. Thereafter, Surinder Singh talk to Rachpal Singh/father of accused Hardeep Singh through phone, after that Surinder Singh, Security Guard Hardeep Singh and servant Azad Singh along with one more person started giving beatings to the complainant along with his wife and son. Surinder Singh pulled the beard of complainant, security guard gave a punch blow on his forehead and the other persons gave him fist and punch blows. Hardeep Singh and Surinder Singh tore the clothes of complainant's wife. When complainant and his family raise rola "marta marta", where one Harpreet Singh and his wife were also present, they rescued the complainant and family from the clutches of above said persons. Thereafter, they went to the Civil Hosptial, Ludhiana for their treatment.

3. On the basis of above said statement of the complainant, FIR No. 174 dated 23.07.2014, under Sections 323, 342, 295-A, 354 & 34 of IPC, PS

Sarabha Nagar, Ludhiana was registered against the accused persons and after investigation, challan was presented under aforesaid Sections. The provisions of Section 207 Cr.P.C. were complied with. Finding a *prima facie* case, the charges against the accused persons under Section 323, 342, 295-A, 354 IPC read with Section 34 of IPC were framed against the accused Surinder Singh to which he pleaded not guilty and claimed trial. It is pertinent to mention here that the accused namely Hardeep Singh and Azad Singh were declared proclaimed offender vide order 11.07.2022 and 18.12.2023 respectively.

4. Thereafter, in order to bring home the guilt of the accused, the prosecution examined :-

(a) PW1 ASI Partap Singh, who proved on record arrest-cum-intimation memo of accused Hardeep Singh and Surinder Singh as Ex.PW1/1 and Ex.PW1/2 and arrest-cum-intimation memo of accused Azad Singh as Ex.PW1/3.

(b) PW2 Dr. Raminder Kaur, SMO at ESI Dispensary No.1, Ludhiana, who proved on record her signature upon the MLR No.MLR/RKG/111/14 dated 22.07.2017 as Ex.PW2/1 and carbon copy of the said MLR as Ex.PW2/2 and pictorial diagram as Ex.PW2/3.

5. Thereafter, the accused Surinder Singh was examined under Section 313 Cr.P.C., so as to enable him to explain the incriminating circumstances appearing against him. The accused denied all the allegations levelled against him and pleaded his innocence and false implication in this case. He chose

not to lead the evidence in his defence.

6. Learned APP for the state argued that the complainant as well as the eye-witness have not been examined as they have not appeared in court even after issuance of non-bailable warrants of arrest against them and it seemed that they were not interested to contest their case. Thus, he does not want to put forth any arguments on behalf of prosecution.

7. On the other hand, learned counsel for the accused submitted that the prosecution has failed to prove the case against the accused persons beyond all reasonable doubts. In the present case, Harinder Singh (complainant) and the eye-witnesses namely Rupinder Kaur and Hardial Singh have not been examined. Hence, the prosecution has failed to prove the case against the accused beyond all reasonable doubts and prayed that the accused persons be acquitted of the charges against them.

8. I have heard and considered the arguments addressed on both the sides and perused the judicial file with the able assistance of learned counsel for the accused as well as learned APP for the State.

9. In the instant case, Harinder Singh (complainant) and eye-witnesses namely Rupinder Kaur and Hardial Singh were not examined who happen to be the most crucial witnesses of the prosecution, to support the case of prosecution as against the present accused persons.

10. The complainant and eye-witnesses were the star witnesses of the prosecution; however, they have not appeared in court to support the case of the prosecution as against the present accused. Once the complainant and the eye-witnesses have not been examined, the proceedings carried out on

such statements become inconsequential and do not establish the case of prosecution.

11. In view of foregoing discussion, the prosecution has miserably failed to establish the guilt of the accused Surinder Singh. Accordingly, the accused Surinder Singh is hereby acquitted of all the charges under Sections 323, 342, 295-A, 354 IPC read with Section 34 of IPC. His bail bonds and surety bonds stand discharged.

Accused persons namely Hardeep Singh and Azad Singh have been declared as Proclaimed Offender during the proceedings of this case. The proceedings be revived as and when the accused persons namely Hardeep Singh and Azad Singh are arrested or apprehended by the police or surrender in the court.

Case property be disposed of as per rules after the expiry of appeal or revision, if any and subject to its result qua the accused Surinder Singh. File be consigned to the record-room, after due compliance.

**Pronounce in Open Court on this,  
24<sup>th</sup> Day of January , 2025**

**(Kavita Sharma), PCS**  
Judicial Magistrate First Class  
Ludhiana.  
UID PB-0588

Ritu Raj SG-II