

In the court of Sh. Ramesh Kumar, PCS, Judicial Magistrate 1st Class,
Tarn Taran/UID No. PB-0456

	CNR No.	PBTT03-001206-2023
	CIS No.	CHI/78/2023
	Date of Institution:	16.02.2023
	Date of Decision	02.12.2025

State of Punjab

Versus

1. Jagtar Singh son of Gurdeep Singh
2. Karandeep Singh son of Mukhtar Singh both residents of village Cheema Khurd, Tehsil and District Tarn Taran.
3. Harjit Singh son of Resham Singh R/o Charratha, Amritsar, presently residing at village Cheema Khurd, Tehsil and District Tarn Taran.
4. Harjant Singh son of Pal Singh @ Rachpal Singh
5. Harpreet Singh @ Radhe son of Resham Singh both residents of village Cheema Khurd, Tehsil and District Tarn Taran.

---Accused

FIR No.36 dated 23.06.2019
U/S 326/325/323/324/379/506/148/149 of IPC
Police Station Sarai Amanat Khan.

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Present:- APP for State.
All accused are on bail along with counsel Sh. M.S Thukral
Advocate.

JUDGMENT:-

The above-named accused have been sent up by the SHO of Police
Station Sarai Amant Khan, to face trial of offences under sections

326/325/323/324/379/506/148/149/201 of The Indian Penal Code (hereinafter IPC).

2. The brief facts of the prosecution case are that in the present case, the criminal machinery was set into motion on the basis of statement of complainant Manpreet Singh wherein he submitted that he is working as Carpenter. On 22.06.2019 at about 8:30 pm, when he along with Hardev Singh son of Mukhtiar Singh was going to the shop of Major Singh son of Ajaib Singh for taking milk and in their way, Mukhtiar Singh son of Gurdeep Singh armed with Datar, Jagtar Singh son of Gurdeep Singh armed with Hockey, Karandeep Singh son of Mukhtiar Singh armed with dang, Radhey @ Harpreet Singh son of Resham Singh armed with Sota (Dang), Karan Singh @ Mota son of Resham Singh armed with baseball, Harjant Singh @ Gurjant Singh son of Pal Singh armed with dang, all residents of village Cheema Khurd (Shukar Chak) and Harjeet Singh son of Resham Singh armed with Dang resident of village Baba Deep Singh Colony Sun Sahib Gurudwara Chheharatha were standing and upon seeing the complainant and Hardev Singh, they caused injuries upon them with their respective weapons. One blow of hockey hit on the nose of Hardev Singh and due to which his nose bone was fractured. They raised hue and cry and upon hearing the noise, Gursahib Singh and Gurlal Singh came to rescue them. All the accused fled away from the spot with their respective weapons after giving them lift threatenings. While going away, accused Karan Singh @ Mota took away his Realme Mobile bearing No.81980-13775.

3. On the basis of such statement of complainant, FIR for offences under sections **326/325/323/324/379/506/148/149/201 of IPC** was registered. Thereafter, the investigation was pressed into service. Accused were arrested in

this case. After completion of investigation, challan under section 173 was presented against the above said accused persons, before the Court, for the trial for offence under Sections **326/325/323/324/379/506/148/149/201** of IPC.

4- Further upon the appearance of the accused persons in the court, they were supplied with the copies of the police report and other documents appended therewith, free of cost as per the mandatory requirement u/S 207 Cr.P.C. On the basis of prima facie case, charge under sections **326/325/323/379/506/148/201 of IPC read with section 149 of IPC** was framed against the accused persons, to which they pleaded not guilty and claimed trial.

5- Prosecution, to prove its allegations, had examined PW-1 Dr. Meghna Sharma, PW-2 SI Balbir Singh, PW-3 Amanjit Singh Radiographer, PW-4 Manpreet Singh complainant, PW-5 Retd. Insp. Dalbir Singh, PW-6 Gurlal Singh and PW-7 Hardev Singh. Further on closure of the prosecution evidence, the entire incriminating circumstances appearing in the prosecution evidence was put to the accused in their statements under section 313 Cr.P.C. The accused denied all the allegations and pleaded their innocence. Above said accused did not examine any witness on their behalf. Hence, the defence evidence of the accused is closed by order.

6. After having heard learned APP for the State, learned defence counsel and on the examination of the evidence on record, the Court carves out the following points for determination :-

A) Whether the prosecution has been able to prove beyond reasonable doubt that the accused had committed an offence punishable under section 148 of IPC?

B) Whether the prosecution has been able to prove beyond reasonable doubt that the accused had committed an offence

punishable under Section 325 of IPC read with Section 149 of IPC?

C) Whether the prosecution has been able to prove beyond reasonable doubt that the accused had committed an offence punishable under section 323 of IPC read with Section 149 of IPC?

D) Whether the prosecution has been able to prove beyond reasonable doubt that the accused had committed an offence punishable under section 326 of IPC read with Section 149 of IPC?

E) Whether the prosecution has been able to prove beyond reasonable doubt that the accused had committed an offence punishable under section 379 of IPC read with Section 149 of IPC?

F) Whether the prosecution has been able to prove beyond reasonable doubt that the accused had committed an offence punishable under section 506 of IPC read with Section 149 of IPC?

G) Whether the prosecution has been able to prove beyond reasonable doubt that the accused had committed an offence punishable under section 201 of IPC?

7. As the area of deliberation under points **A to G** are overlapping and concurrent, in order to preempt repetition the court finds it appropriate to deliberate upon these points collectively.

POINTS FOR DETERMINATION A to G.

8. In the present case the allegations against the accused are that on 22.06.2019 at about 8:30 PM, in the area of village Gandiwind, District Tarn

Taran, all accused formed unlawful assembly while armed with deadly weapons and in prosecution of common object of unlawful assembly used force upon complainant and all accused caused grievous hurt and simple hurt on the person of complainant Manpreet Singh and Hardev Singh and accused committed theft of mobile phone Realme of complainant and even criminally intimidated and threatened the complainant Manpreet Singh and Hardev Singh with injuries to their persons. Further all the accused caused disappearance of evidence of offence i.e. weapons used at the time of occurrence in order to screen themselves from legal punishment. To prove its case, it was incumbent upon the star witness i.e. complainant Manpreet Singh PW-4 to prove the allegations but the said witness failed to depose against the accused and resiled from his statement made to the police and had given clean chit to the accused. He denied from the identification of the accused by stating that they are not the same persons who inflicted injuries upon him. Though the prosecution had examined its other star/eye witnesses i.e. Gurlal Singh and Hardev Singh as PW-6 and PW-7 but even these witnesses had also failed to prove the allegations against the accused and resiled from their statement earlier made to the police and had given clean chit to the accused. They specifically deposed that they have seen the accused persons first time in the Court and they are not the same persons who have inflicted injuries upon the complainant and thereby they falsified the story of the prosecution. So the said witnesses failed to prove allegations against the accused and their identity. The other witnesses examined by the prosecution are official and formal witness and they never claimed to have witnessed the alleged incident. So, there is no evidence on the record to link accused with present incident and to prove their

identity. As such all these points of determination are decided against the prosecution.

9. In such an eventuality, the court finds gaping voids in the endeavor so made by the prosecution to secure the conviction of the accused which correspondingly obliterate the entire drive of the prosecution. Therefore after compounding the afore mentioned discussions, the court concludes that the prosecution has been unsuccessful in driving home the guilt of the accused beyond reasonable doubt and they **are acquitted of all the charges framed against them in this case.** Bail/surety bonds and superdari bonds, if any, stand discharged, after awaiting the result of appeal and revision if preferred or if no appeal or revision is preferred then after the expiry of the time, so prescribed for the filing of such appeal or revision. File be consigned to the record room after due compliance.

Pronounced:
02.12.2025

Asfu

Stenographer-II

(Ramesh Kumar, PCS)
Judicial Magistrate Ist Class,
Tarn Taran /UID No. PB-0456