

**IN THE COURT OF G.S.SEKHON, CHIEF JUDICIAL MAGISTRATE
SANGRUR,
(UID No.PB0287).**

CNR No.PBSG03003948-2022

CHI No.151/2022

Decided on---02.01.2024

STATE

Versus

1. Sohan Lal son of Prithi Chand,
2. Vicky Sharma @ Vipanjit son of Sohan Lal, both residents of Baba Banda Bahadur Colony, Badrukhan Road, Sangrur.

...Accused.

F.I.R.No.200 dated 12.12.2021

Under Sections:323, 341, 506, 201,34 IPC

Police Station City-I, Sangrur

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Present: Shri Sonu Bansal ,APP for the State
Accused Sohan Lal on bail in this case but in custody in
another case represented by Shri G.S. Parmar Advocate,
Accused Vicky Sharma @ Vipanjit on bail represented by
Shri G.S. Parmar Advocate

JUDGMENT:

1. Accused Sohan Lal and Vicky Sharma alias Vipanjit have been sent up to face trial for the offences punishable under Section 323, 341, 506, 201, 34 IPC, by the SHO, P.S. City-I, Sangrur.
2. The present case was registered on the basis of statement of complainant Hardeep Singh son of Gurtej Singh, r/o Badrukhan, P.S. Longowal, who got recorded his statement before ASI Ranjit Singh to the effect that he is Ex. Serviceman of Indian Army and now posted as

Security Guard at Homi Bhaba Cancer Hospital Sangrur. They are two brothers and one sister. His father and mother are living with him. In the month of December, 2021 he was constructing house at Baba Banda Bahadur Colony. Jagdeep Singh who is his uncle owned one plot near his new constructed house and Sohan Lal arranged the deal of plot of Jagdeep Singh. He did not ask about the commission from his uncle Jagdeep Singh at the time of deal. On 11.12.2021 at about 10:15 AM, he unloaded the earth soil in the plot of his uncle Jagdeep Singh by tractor and trolley. After unloading the earth soil, the driver took the tractor with him and Sohan Lal was seeing him and he raised the lalkara and encircled him on his motor-cycle. He started abusing him and told him that he would teach him a lesson for not giving him any commission. He also called his son Vicky on phone due to which Vicky came on the spot. Vicky was armed with an axe and started abusing him. Vicky gave the blow of back of axe on his right ear, thereafter, he gave the blow of back of axe on his left foot meanwhile Sohan gave the fist blow on his left eye and fist blow on below of his left eye. Vicky gave the fist blow on his lower lips. Vicky also gave the below of back of axe and while he was escaping himself, the same hit on his fingers of right hand. Sohan Lal gave fist blows to him. He raised hue and cry due to which people gathered on the spot. They fled away from the spot with their weapons and also threatened him that they will teach him a lesson. During the occurrence his gold chain was also lost. Thereafter, he visited his house

and his uncle Paramjit Singh got admitted him in the hospital. The motive behind the occurrence was that Sohan Lal made the deal of plot with his uncle Jagdeep Singh and he was demanding commission from him for the plot and they gave the beatings to him as they were of the opinion that he was not getting paid them the commission. On the statement of complainant Hardeep Singh, police proceedings were endorsed. FIR was registered. Site plan of the place of occurrence was prepared. Accused were arrested. The axe used in the occurrence was not produced by the accused and therefore the offence U/s 201 IPC was added. Investigation was conducted. Statements of the witnesses were recorded. After completion of the investigation, challan against the accused was presented in the Court.

3. On presentation of the challan, copies of documents relied upon by the prosecution were supplied to the accused free of costs as required U/s 207 Cr.P.C.

4. Since a prima-facie case under Sections 323, 341, 506, 201 IPC read with Section 34 IPC was made out against the accused, charge was framed against the accused to which they pleaded not guilty and claimed trial.

5. In order to prove its case, prosecution has examined PW-1 complainant Hardeep Singh, PW-2 HC Ajaib Singh, PW-3 Jagdeep Singh and PW-4 ASI Ranjit Singh. Thereafter, the evidence of the prosecution was closed by order.

6. Statements of the accused under section 313 Cr.P.C were recorded putting them entire incriminating evidence appearing against them to which they denied and stated that they are innocent. They have not committed any offence. They have been falsely implicated in the present case.

The accused opted not to lead evidence in defence.

7. I have heard the learned APP for the State and learned counsel for the accused and have gone through the case file carefully.

8. The questions arising for determination is as follows:-

- “1. Whether on 11.12.2021 at about 10:15 AM, in the area of Baba Banda Singh Bahadur Colony, Sangrur, both accused in furtherance of common intention with each other wrongfully restrained the complainant Hardeep Singh and voluntarily caused simple hurts to the complainant Hardeep Singh with blunt weapon ?
2. Whether on the same date, time and place, both the accused in furtherance of common intention with each other criminally intimidated the complainant Hardeep Singh by threatening injury to his person and intended to cause alarm?
3. Whether on above said occurrence, both the accused caused the disappearance of the evidence i.e. the weapon of offence i.e. axe in order to screen themselves from punishment ?”

9. To bring home the guilt of accused persons, the prosecution has examined PW-1 Hardeep Singh, who has deposed in the following manner:

“ That I am the resident of above mentioned address. I am Ex. Serviceman of Indian Army and now posted as Security Guard at Homi Bhaba Cancer Hospital Sangrur. We are two brothers and one sister. My father and mother are living with

me. In the month of December, 2021 I was constructing house in Baba Banda Bahadur Colony. Jagdeep Singh who is my uncle owned one plot near my new constructing house and the Sohan Lal arranged the deal of plot of Jagdeep Singh. He did not ask about the commission from my uncle Jagdeep Singh at the time of deal. On 11.12.2021 at about 10:15 AM, I unloaded the earth soil in the plot of my uncle Jagdeep Singh by tractor and trolley. After unloading the earth soil, the driver took the tractor with him and Sohan Lal was seeing me and he raised the lalkara and encircled me on his motor-cycle. He started abusing me and told me that he would teach me lesson for not giving him any commission. He also called his son Vicky on phone due to which Vicky came on the spot. Vicky was armed with axe and started abusing me. Vicky gave the blow of back of axe on my right ear, thereafter, he gave the blow of back of axe on my left foot meanwhile Sohan gave the fist blow on my left eye and fist blow on below of my left eye. Vicky gave the fist blow on my lower lips. Vicky also gave the below of back of axe and while I was escaping myself, the same hit on my fingers of right hand. Sohan Lal gave fist blows to me. I raised hue and cry due to which people gathered on the spot. They fled away from the spot with their weapons and also threatened

me that they will teach me lesson. During the occurrence my gold chain was also get missing. Thereafter, I visited my house and my uncle Paramjit Singh got admitted me at the hospital. The motive behind the occurrence is that Sohan Lal made the deal of plot with my uncle Jagdeep Singh and he was demanding commission from him for plot and they gave the beatings to me as they were of the opinion that I was not get paid them the commission. The same day police officials visited me but I was not in fit state of mind due to which I did not get recorded my statement. On the next day i.e. on 12.12.2021, I got recorded my statement Ex.PW1/A before IO. I identify my signatures on the same at point-A. IO prepared the site plan at my instance. I identify accused Vicky present in the Court and Sohan Lal produced through VC.”

10. PW-2 HC Ajaib Singh has proved the arrest-cum-intimation memo of accused persons Sohan and Vicky Sharma as Ex.PW2/A and their personal search memo as Ex.PW2/B and Ex.PW2/C being witness of aforesaid memos.

11. PW-3 Jagdeep Singh has deposed that many years ago, he has purchased a plot through his relative Hardeep Singh son of Gurtej Singh, r/o village Badrukhan. In this purchase Sohan Lal son of Prithi Chand, r/o Banda Bahadur Colony, Sangrur was the mediator, however, at

that time there was no condition of any commission required to be paid to said Sohan Lal and after some time Sohan Lal demanded his commission regarding the said purchase from Hardeep Singh, however, Hardeep Singh refused the same. Later on Sohan Lal and his son gave beatings to his relative Hardeep Singh.

12. PW-4 ASI Ranjit Singh has deposed as under:

“ That on 11.12.2021, I was posted as ASI at PS City-1 Sangrur. On that day a medical ruqa was received at the police station from CH Sangrur regarding the admission of injured Hardeep Singh son of Gurtej Singh, r/o village Badrukhan with the alleged history of assault. On the same day, I reached at the CH Sangrur where I moved written application Ex.P1 before the concerned doctor and he declared the injured as fit for the recording of statement, however, injured Hardeep Singh stated that he will record his statement on the next day. On 12.12.2021, I again reached at CH Sangrur where complainant Hardeep Singh got recorded his statement Ex.PW1/A before me. I made the endorsement Ex.P2 and sent through HC Gurlal Singh to the police station for the registration of the case where FIR Ex.P3 was registered by ASI Paramjit Singh whose signatures I identify. I recorded the statement of witnesses. On 20.12.2021, I joined the complainant in the investigation and I prepared

rough site plan Ex.P4 as per demarcation made by the complainant. On 15.12.2021, Amandeep Singh son of Mann Singh, r/o Sangrur produced the accused Sohan Lal and Vicky Sharma before me. They were arrested vide arrest-cum intimation memo Ex.PW2/A and their personal search was conducted vide memos Ex.PW2/B and Ex.PW2/C. The accused could not produce the weapon of offence before me and offence under Section 201 IPC was added into the challan. I recorded the statement of witnesses. During the investigation I obtained the medical record Ex.P5 to Ex.P6 from the concerned hospital and during the investigation I moved the application Ex.P7 before the concerned hospital and the nature of injuries of the patients were legally proved. I recorded the statement of witnesses. After completion of investigation challan was prepared under the signatures of SI Karamjit Singh Sandhu, whose signatures I identify. Today I identify the accused present in the Court. ”

13. Learned APP for State has contended that prosecution has proved its version beyond reasonable doubt by examining PW-1 complainant Hardeep Singh, PW-2 HC Ajaib Singh, PW-3 Jagdeep Singh and PW-4 ASI Ranjit Singh and therefore, accused are liable to be convicted.

14. On the other hand, ld. defence counsel submitted that accused

have not committed any offence and they have been falsely implicated in the present case. The prosecution has miserably failed to prove its case beyond reasonable shadow of doubt as no witness has been examined by the prosecution to prove the investigation of the case and even the matter in dispute is of civil nature and therefore, accused should be acquitted.

15. After having heard learned APP for the State and learned counsel for the accused and after having gone through the case file carefully, I found that the charges have been framed against both the accused persons under Section 323, 341, 506, 201, 34 IPC is concerned, for the purpose of proving the ingredients of Section 323, 341, 506, 34 IPC, the statement of complainant and any eye witness is required. In the present case, the complainant Hardeep Singh has himself appeared into the witness box as PW-1 and has deposed on the lines of prosecution story. His version has also been duly corroborated by witness PW-3 Jagdeep Singh. After going through the statements of complainant Hardeep Singh and PW-3 Jagdeep Singh, who have proved the entire version of the prosecution beyond shadow of reasonable doubt to the effect that on 11.12.2021 at about 10:15 AM, in the area of Baba Banda Singh Bahadur Colony, Sangrur, both accused in furtherance of common intention with each other wrongfully restrained the complainant Hardeep Singh and voluntarily caused simple hurts to him Singh with blunt weapon and also criminally intimidated the complainant Hardeep Singh by threatening injury to his person. Both the aforesaid witnesses have

identified the accused present in the Court. The prosecution has also been able to prove that accused persons gave the injuries after restraining complainant Hardeep Singh. Hence, all the ingredients of Section 323, 341, 506, 34 IPC have been fully proved by the prosecution beyond shadow of reasonable doubt. As far as Section 201 IPC is concerned, there is not an iota of evidence to prove the ingredients of Section 201 IPC, hence, accused are entitled to be acquitted under Section 201 IPC.

16. In the light of above discussion, the prosecution has proved its case against the accused beyond reasonable doubt. Hence, I hold the accused guilty of committing the offence punishable under Sections 323, 341, 506, 34 IPC and are convicted, accordingly, whereas, accused are acquitted of the charges under Section 201 IPC. Let, accused be heard on the quantum of sentence.

Pronounced in open Court:

Dated:02.01.2024

G.S.Sekhon
Chief Judicial Magistrate,
Sangrur.

Ramandeep Kaur
Stenographer Grade-II
Directly Dictated

Unique Identification No.PB0287

QUANTUM OF SENTENCE

Present: Shri Sonu Bansal ,APP for the State,
Convicts in custody represented by Shri G.S. Parmar
Advocate.

I have heard the learned APP for the State, learned counsel for convicts and convicts on the point of quantum of sentence. The

convicts have pleaded that they are first offenders and are only bread winner of their family and have prayed for taking a lenient view.

Request has not been opposed by the learned APP for the State. Otherwise also, previous conviction against the accused has not been proved. Modern penology favours a view that an attempt should be made to reclaim the offender than to send them behind the bars at once. Thus, regard being had to the age and antecedents of the accused, nature and circumstances of the case, court is of the opinion that ends of justice would be fully met, if instead of sentencing the convict forthwith, convicts are ordered to be released on probation. It is thus, ordered accordingly. Convicts are ordered to be released on probation on furnishing by them a personal bond in the sum of Rs.50,000/- each with one surety in the like amount each for a period of one year undertaking of good behaviour and conduct during this period to appear before the court as and when ordered to receive the sentence. Case property if any be disposed off, as per rules after expiry of period of limitation regarding appeal/revision if any. Bail bonds and surety bonds stand discharge. File be consigned to the record room.

Pronounced in open Court:

Dated:02.01.2024

Ramandeep Kaur
Stenographer Grade-II
Directly Dictated

G.S.Sekhon
Chief Judicial Magistrate,
Sangrur.
Unique Identification No.PB0287