

COURT OF SUB DIVISIONAL JUDICIAL MAGISTRATE
AT BAGHAPURANA

PBMOB10002612023



Presented on : 22-02-2023
Registered on : 22-02-2023
Decided on : 25-09-2025
Duration : 2 years, 7 months, 3 days

IN THE MATTER OF:

STATE

VERSUS

JASWINDER SINGH ALIAS JASSU AND OTHERS [ACCUSED]

FIR No.122 dated 13.06.2022,
U/ss 419, 420, 120-B of IPC,
lateron added offence U/s 201 of
IPC,
POLICE STATION BAGHAPURANA.

Present: SHRI GURDEEP SINGH, LEARNED APP FOR THE
STATE.
Accused Jaswinder Singh alias Jassu, Maninder Singh and
Sukhvir Singh on bail, with counsel Shri Dravid Aggarwal,
Advocate.
ACCUSED RAVNEET SINGH ON BAIL, WITH COUNSEL SHRI
RAJPAL SHARMA, ADVOCATE.

SUMMARY:-

(a) CIS no. of the case : CHI/27/2023
(b) CNR no. of the case : PBMOB10002612023
(c) Date of Commission of offence : 13.06.2022

- (d) **Name of the complainant** : ASI Harbinder Singh
- (e) **Name of the accused** : 1. **Jaswinder Singh alias Jassu**
son of Lakhvir Singh,
resident of Badal Patti,
Village Rode, District Moga.
2. **Maninder Singh** son of
Jagga Singh son of Bhajan
Singh, resident of Sarkar
Patti Village Charik, District
Moga.
3. **Sukhvir Singh** son of Ranjit
Singh son of Sant Singh,
resident of Preet Nagar,
Street No.17, near Khuni
Maseet, Moga, District
Moga.
4. **Ravneet Singh** son of
Lakhvir Singh son of
Nachattar Singh resident of
Badal Patti, village Rode,
District Moga.
- (f) **Offence charged with** : Under Sections 120-B, 419,
420, 201 of IPC
- (g) **Plea of Accused** : Pleaded not guilty
- (h) **Date of Pronouncement** : 25.09.2025
- (I) **PRONOUNCED BY** : **PARUL,**
SUB DIVISIONAL JUDICIAL MAGISTRATE,
BAGHAPURANA

JUDGMENT:-

1. The above named accused persons have been sent up to face trial for the commission of offences punishable under Section 419, 420,

120-B of IPC lateron added offence under Section 201 of IPC by the Officer-in-Charge of Police Station Baghapurana, District Moga.

FACTS:-

2. Filtering unnecessary details, the allegations of prosecution against the accused Jaswinder Singh alias Jassu, Maninder Singh, Sukhvir Singh and Ravneet Singh are that on 13.06.2022, ASI Harbinder Singh along-with other police officials were present at Shaheed Bhagat Singh Chowk Baghapurana in connection with patrolling and checking of suspected persons, where an informer imparted secret information that Maninder Singh son of Jagga Singh of village Charik, Sukhvir Singh son of Ranjit Singh, resident of Preet Nagar Moga and Ravneet Singh son of Lakhvir Singh, resident of village Rode are habitual of cheating innocent public persons by obtaining their identity proofs and they misused those identity proofs to obtain SIM Cards from various telecom companies and provide those SIM Cards to bad elements of the society. On that day also, they were present at Grain Market Baghapurana and if immediate raid be conducted then accused persons can be apprehended. The information being reliable and trustworthy, ruqa was sent to the police station through PHG Hardeep Singh, on the basis of which present FIR was registered against the above mentioned accused persons. Thereafter, ASI Harbinder Singh along-with other police officials conducted raid at the disclosed place and apprehended three cropped hair persons. On inquiry, they disclosed their identity as Maninder Singh son of Jagga Singh, resident of

village Charik, Sukhvir Singh son of Ranjit Singh, resident of Preet Nagar Moga and Ravneet Singh son of Lakhvir Singh, resident of village Rode. Accused persons were arrested after stating them the grounds of arrest. During police custody, on 14.06.2022, accused Ravneet Singh suffered a disclosure statement vide which he disclosed that he along-with his companions obtained ID proofs of Pargat Singh son of Jagtar Singh and Sukhpal Singh son of Teja Singh and obtained one SIM each on those ID proofs i.e. one SIM belongs to IDEA Company and another pertaining to VODAPHONE Company and he had supplied that SIM Cards to his brother Jaswinder Singh alias Jassu who was behind the bars. On the basis of said disclosure statement, Jaswinder Singh alias Jassu was nominated in the present FIR vide DDR No.30 dated 14.06.2022. Thereafter, on 14.12.2022, accused Jaswinder Singh alias Jassu was arrested. During police custody, accused Jaswinder Singh alias Jassu had suffered disclosure statement that he was behind bar at Moga Jail in FIR No. 103/2021 of P.S. Smalsar and his brother Ravneet Singh had come to meet him and he had handed over to him two SIM Cards i.e. one was IDEA Company and another was VODAPHONE Company. Lateron, he had come to know that an FIR has been registered against his brother Ravneet Singh and due to threat and apprehension, he had broken down those SIM Cards and thrown away in the flush, regarding which enhancement of offence under Section 201 of was made vide DDR No.18 dated 16.12.2022. Accused Maninder Singh, Sukhvir Singh and Ravneet

Singh were arrested. Statements of witnesses were recorded. Upon completion of investigation and other formalities, challan under Section 173 of Cr.P.C.(now under Section 193 of BNSS) against accused persons, namely, Jaswinder Singh alias Jassu, Maninder Singh, Sukhvir Singh and Ravneet Singh has been presented before this Court.

3. On appearance of the accused in the Court, the copies of the challan etc. as relied upon by the prosecution were supplied to accused persons, free of costs and their separate statement to this effect has been recorded.

4. Finding sufficient grounds to proceed against accused persons, charge under Sections 120-B, 419, 420, 201 of IPC was framed on 30.05.2023, to which they pleaded not guilty and claimed trial. Thereafter, case was fixed for evidence of prosecution.

PROSECUTION EVIDENCE:-

5. Case of the prosecution has been unfolded by **PW-1 Retired ASI Harbinder Singh (complainant/Investigating Officer of the present case)**, who has deposed that on 13.06.2022, he was leading the police party and was on patrolling duty and they were present at Bhagat Singh Chowk Baghapurana, where he received secret information that Maninder Singh son of Jagga Singh of Charik, Sukhvir Singh son of Ranjit Singh resident of Preet Nagar Moga and Ravneet Singh son of Lakhvir Singh, resident of village Rode were habitual of cheating innocent public persons by obtaining their identity proofs and they

misused those identity proofs to obtain SIM Cards from various telecom companies and provide those SIM Cards to bad elements of the society. He further deposed that on that day also, they were present at Grain Market Baghapurana and if immediate raid be conducted then accused can be apprehended. He further deposed that the information being reliable and trustworthy, he recorded ruqa **Ex.P1** on the basis of which FIR **Ex.P2** was registered vide endorsement **Ex. P3**. He further deposed that thereafter, he had conducted raid at the disclosed place and apprehended above named accused persons vide arrest memo **Ex.P4**. Their personal search was conducted and intimation regarding the same was given vide memos **Ex.P5 to Ex.P7**. He further deposed that during police custody, on 14.06.2022, accused Ravneet Singh had suffered disclosure statement **Ex. P8** that he along-with his companions obtained ID proofs of Pargat Singh and Sukhpal Singh and obtained one SIM each on those ID proofs i.e. one SIM was IDEA Company and another was VODAPHONE Company and he had supplied that SIM Card to his brother Jaswinder Singh alias Jassu who was behind the bars and on the basis of which accused Jaswinder Singh was nominated in the present FIR vide DDR No.30 which is **Ex.P9**. He further deposed that thereafter, on 14.12.2022, he had arrested accused Jaswinder Singh alias Jassu vide memo **Ex.P10**, his personal search **Ex.P11** was conducted and intimation **Ex.P12** was given. He further deposed that during police custody, accused Jaswinder Singh had suffered disclosure statement **Ex. P13** that he was behind bar at

Moga Jail in FIR No. 103/2021 of P.S. Smalsar and his brother Ravneet Singh had come to meet him and he had handed over to him two SIM Cards i.e. one was IDEA Company and other was VODAPHONE Company) and Lateron, he had come to know that an FIR has been registered against his said brother Ravneet Singh. He further deposed that due to threat and apprehension, he had broken down those SIM Cards and thrown away the same in the flush, on which enhancement of offence under Section 201 of IPC was made vide DDR no.18 **Ex.P14** in the judicial file. He further deposed that during his investigation, he recorded statements of witnesses and obtained relevant documents from concerned persons. He further deposed that he identified accused present in the Court on the day of his examination.

6. Further, **PW-2 Retired ASI Kanwaljit Singh** has deposed that on 13.06.2022, he was in the police party and was on patrolling duty, headed by ASI Harbinder Singh and they were present at Bhagat Singh Chowk Baghapurana, where IO had received secret information that Maninder Singh son of Jagga Singh of Charik, Sukhvir Singh son of Ranjit Singh resident of Preet Nagar Moga and Ravneet Singh son of Lakhvir Singh, resident of village Rode were habitual of cheating innocent public persons by obtaining their identity proofs and they misused those identity proofs to obtain SIM Cards from various telecom companies and provide those SIM Cards to bad elements of the society. He further deposed that on that day also, they were present at Grain

Market Baghapurana and if immediate raid be conducted then accused can be apprehended. He further deposed that the information being reliable and trustworthy, IO recorded ruqa **Ex.P1** on the basis of which FIR **Ex.P2** was registered vide endorsement **Ex.P3**. He further deposed that thereafter, they conducted raid at the disclosed place and apprehended above named accused persons vide arrest memo **Ex.P4**. Their personal search was conducted and intimation regarding the same was given vide memos **Ex.P5 to Ex.P7**. He further deposed that his statement was recorded by the IO.

7. Learned APP for the State gave up prosecution witnesses, namely, HC Harjit Singh, HC Gurmeet Singh, ASI Sukhpal Kumar and SI Jatinder Singh, SHO. Thereafter, prosecution evidence was closed by order of the Court on 18.09.2025.

8. Statements of accused persons were recorded under Section 313 Cr.P.C, in which all incriminating substance appeared on record during evidence of prosecution was put to accused persons for explanation; which have been denied by them. They stated that they are innocent and have been falsely implicated in the present case by the Investigating Officer due to personal grudge. They further pleaded that they did not get any Adhaar Card and other documents of any person regarding issuance of SIM Cards of any company. They opted not to lead evidence in their defence.

ARGUMENTS:-

9. I have heard the learned APP for the State, learned counsel for defence and have gone through the judicial file carefully.

10. Learned APP for the State has contended that accused persons have committed offences with which they have been charge-sheeted and prosecution has already led evidence so as to bring home the guilt of the accused persons. He has further contended that the witnesses of the prosecution have duly supported the case of the prosecution and guilt of the accused persons duly established on record, therefore, accused persons may be punished stringently.

11. Per contra, learned defence counsels have vehemently contended that there is not even an iota of evidence on record so as to bring home the guilt of the accused. They have further contended that Pargat Singh and Sukhpal Singh, whose identity proofs alleged to have been misused by the accused persons, have not been joined into investigation by the IO, for the reasons best known to him. They further contended that the accused persons are innocent and have been falsely implicated by the IO due to personal grudge with the accused persons and thus, accused persons should be acquitted from the offences for which they are facing trial.

DISCUSSIONS & FINDINGS:

12. After hearing rival arguments from both sides, following points are required to be determined in this case:-

“1. Whether on 13.06.2022, in the area of Police Station Baghapurana, all the above-named accused agreed to do an

illegal act namely to cheat the people on the pretext of obtaining SIM Cards?

- 2. Whether on the same date, time and place, in pursuance of above-said conspiracy accused persons impersonated Pargat Singh and Sukhpal Singh to obtain SIM Cards and dishonestly and fraudulently obtained identity proofs of Pargat Singh and Sukhpal Singh?**
- 3. Whether, on the same date, time and place, accused Jaswinder Singh alias Jassu intentionally caused the evidence of case to disappear by destroying the SIM Cards?”**

13. In order to bring home the guilt of accused persons in this case, the State has examined IO of the case, namely, retired ASI Harbinder Singh as PW-1, who in his examination-in-chief has detailed about the occurrence under reference. He has deposed that on 13.06.2022, when he was leading police party and was on patrolling duty then he received a secret information that accused Maninder Singh, Sukhvir Singh and Ravneet Singh of residents of village Rode were habitual of committing cheating with innocent people and they used to obtain their identity proofs and misused the same for obtaining SIM cards and they used to provide the same into bad elements of the society. The allegations being reliable, the present FIR was registered bearing Ex.P2 on the basis of ruqa Ex.P1. Thereafter, the investigation of the case was set into motion and the police party had raided the disclosed place where they had apprehended the accused persons and arrested them. As per the version of PW-1 given in his examination-in-chief, during the police custody, on

14.06.2022 accused Ravneet Singh had suffered a disclosure statement Ex.PA that he along-with companions had obtained ID proofs of Pargat Singh and Sukhpal Singh and they had obtained one SIM each on those ID proofs and after obtaining the same, they had supplied the same to accused Jaswinder Singh alias Jassu who was behind the bars. As such, accused Jaswinder Singh alias Jassu was also booked in the present case, who was otherwise lodged in some other FIR and was in custody. Accordingly, DDR entry No.30 Ex.P9 was made. As per PW-1, during the police custody, accused Jaswinder Singh also suffered a disclosure statement Ex.P13 that when he was behind the bars then his brother Ravneet Singh came to meet him and he had handed over two SIMs to him i.e. one make of IDEA Company and another pertaining to VODAPHONE Company. Due to the threats and under apprehension, he had broken down the SIMs and that is how, Section 201 of IPC was also leveled against the accused persons. Now, if we shall peruse the list of witnesses appended with the final report submitted by police then it can be seen that though, it has been submitted by PW-1 on record that the identity proofs of Pargat Singh and that of Sukhpal Singh were misused by the accused persons but to the utter surprise of this Court, both these persons were not joined into investigation by the IO. Moreover, though, it has been alleged that accused Jaswinder Singh alias Jassu told the police that he has destroyed the SIM cards provided to them by other co-accused but then, the police officials could have obtained the CDRs of the said

numbers after verifying about the same from the shopkeepers, from whom accused persons had purchased those SIM Cards but the record file is totally silent in this regard. The line of investigation carried out by the IO in this case clearly reflects that it is a case of sheer negligence on the part of IO and rather, it is a glaring case, where the investigation of the case has been carried out in a very negligent manner. Another witness examined by State is PW-2 Retired ASI Kanwaljit Singh but except deposing in the lines of PW-1 in his examination-in-chief and testifying the memos prepared by IO, he has not uttered even a single word on record which could have further given strength to the case of the State. The disclosure statements suffered by accused persons in the custody have also not proved on record as per the Bharatiya Sakshya Adhikam and otherwise also, since, no recovery has been made on the basis of those disclosure statements, these lose their relevancy.

14. It is a cardinal principle of criminal jurisprudence that the guilt of accused persons should be established on record beyond the shadow of reasonable doubt but in the present case, at the cost of repetition it is hereby mentioned that the present case is a case of faulty investigation and rather, the line of investigation is totally missing. Therefore, accused persons, namely, Jaswinder Singh alias Jassu, Maninder Singh, Sukhvinder Singh and Ravneet Singh are hereby acquitted of the charges framed against them. Their earlier bail and surety bonds are discharged. Accused persons are directed to furnish bonds under Section 437-A of the Cr.P.C./

under Section 481 of B.N.S.S. in the sum of Rs.50,000/- each with one surety in the like amount each and these bonds shall remain in operation till the time of appeal or revision. Requisite bonds furnished, which are accepted and attested. Case property, if any, be disposed off under rules after expiry of period of appeal/revision. File be consigned to the record room, Moga after due compliance.

Pronounced in open court
DATED: 25.09.2025

Sd/-
(PARUL), PCS,
SUB DIVISIONAL JUDICIAL MAGISTRATE,
BAGHAPURANA / UID No.PBO400.

Angrej Singh, STG-I