

IN THE COURT OF SANJIV JOSHI, SESSIONS JUDGE,
FARIDKOT (UID No. PB0105)

PBFD010053102024



Case No. SC-186-2024

Presented on : 02-12-2024
Registered on : 02-12-2024
Decided on : 29-01-2026

State

Versus

1. Baljeet Singh alias Manna, aged about 28 years, son of Gurmeet Singh, son of Surjit Singh, resident of Kishanpura Warra, Police Station Kot Bhai, District Sri Muktsar Sahib.
2. Pardeep Singh alias Deepu, aged about 25 years, son of Jaspal Singh, son of Gurdev Singh alias Gurcharan Singh, resident of village Machaki Kalan, District Faridkot.
3. Surinderpal Singh alias Billa, aged about 21 years, son of Manga Singh, son of Gurdev Singh, resident of Street No.3, Baba Jiwan Singh Nagar, Kotkapura, District Faridkot.

.....Accused

FIR No.180 dated 10.05.2024
Under Sections: 307, 323, 34 IPC
Police Station, City Faridkot

Case committed by the Court of Ms.
Shampy Chaudhary, learned Chief
Judicial Magistrate, Faridkot, vide
commitment order dated 19.11.2024.

Present : Shri Surinder Sachdeva, Additional Public Prosecutor for State.

Accused Baljeet Singh alias Manna in custody, represented by Shri Amandeep Singh Parmar, Legal Aid Defence Counsel.

Accused Surinderpal Singh alias Billa on bail represented by counsel Shri Mandeep Chanana, Advocate.

Accused Pardeep Singh alias Deepu on bail represented by counsel Shri Karandeep Singh Bhullar, Advocate.

JUDGMENT

The above named accused have been challaned by the In-charge Police Station, City Faridkot, for the offence punishable under Sections 307, 323 read with Section 34 of IPC. After furnishing of challan, the learned Area Magistrate, finding the offence punishable under Section 307 of IPC exclusively triable by the Court of Session, committed the present case to Court of Session vide order dated 19.11.2024 and thereafter, by way of entrustment, present case was received for trial before this court.

2. Adumbrated in brief, prosecution version is that on 10.05.2024, MHC of Police Station City Faridkot received a telephone message to the effect that undertrial prisoner Manpreet Singh son of Kulwinder Singh, lodged in Central Jail Faridkot, had sustained injuries and had been admitted for treatment at Guru Gobind Singh Medical College and Hospital, Faridkot. He was also told to initiate criminal action after obtaining the ruqa from Guru Gobind Singh Medical College and Hospital, Faridkot. Thereupon, ASI Raj Singh along with other police officials proceeded towards Guru Gobind Singh Medical College and Hospital, Faridkot. On reaching the Emergency Ward, after obtaining

fitness from the attending doctor, the injured undertrial prisoner was found present under police guard, fully conscious and fit to make statement. Injured got his statement recorded with ASI Raj Singh to the effect that he is an undertrial prisoner in case FIR No.228 dated 10.11.2022 under Sections 302, 307, 148, 149, 201, 120-B IPC and Sections 25/54/59 of the Arms Act, and FIR No.16 dated 18.02.2020 under the UAPA, pending at Police Station City Faridkot. Besides this, other cases for violation of jail laws were also registered against him. He is also an accused in FIR No.427 dated 04.12.2023 under Sections 42, 52-A of Prisons Act and Section 21 of NDPS Act, Police Station City Faridkot, in which he had been produced before the Court of Shri Shinku Kumar, JMIC, Faridkot. When he was produced in court in the said case, his co-accused Baljeet Singh @ Manna son of Gurmeet Singh son of Surjit Singh, resident of Kishanpura Warra, Police Station Kot Bhai, District Sri Muktsar Sahib, Pardeep Singh @ Deepu son of Jaspal Singh son of Gurdev Singh, resident of Machaki Kalan, and 2-3 other undertrial prisoners whose names he did not know, were also produced along with him.

3. At about 10:30 PM, the police guard locked them inside the *Bakshi Khana* of the District Courts, Faridkot, and the undertrials were being produced one by one. When he went to the bathroom inside the *Bakshi Khana* to urinate, suddenly Baljeet Singh @ Manna, holding an iron *kara* in his right hand, Pardeep Singh @ Deepu, also holding an iron *kara*, and Surinder Pal @ Billa, who was empty handed, entered the

bathroom. They started abusing him. Surinder Pal caught hold of him from behind and held his arms, whereafter Baljeet Singh @ Manna and Pardeep Singh @ Deepu, with the intention to kill him, gave blows with the iron *karas* on his head, face, and left eye. As a result, blood started oozing from his head and face. He raised an alarm “*marta marta*”. On hearing his cries, the police guard opened the gate and rescued him from the clutches of assailants. Thereafter, the police guard admitted him to Civil Hospital, Faridkot, where his initial treatment was started. Out of fear from Surinder Pal @ Billa and others, he gave written statement to the doctors requesting that no legal action be taken. However, later on, due to increased pain of his injuries, he informed the guard in-charge, after which he was admitted to Guru Gobind Singh Medical College and Hospital, Faridkot, where he was undergoing treatment. The motive behind the occurrence was that a few days earlier he had a verbal altercation and minor scuffle with his co-accused Baljeet Singh @ Manna and Pardeep Singh @ Deepu inside the jail. Due to this enmity, Baljeet Singh @ Manna, Pardeep Singh @ Deepu and Surinder Pal @ Billa, in furtherance of their common intention, assaulted him with iron *karas* with the intention to kill him and caused injuries to him.

4. On the basis of the said statement of complainant, FIR under Sections 307, 323 read with Section 34 of IPC came to be registered against the accused. During investigation, ASI Raj Singh visited the place of occurrence, i.e., *Bakshi Khana*, District Courts, Faridkot, inspected the spot and prepared rough site plan. Near the gate of the District Courts,

ASI Laxmi Narain, who was posted as Munshi of the court production guard, met ASI Raj Singh and produced two iron *karas* used by the accused during the scuffle. The same were taken into police possession.

5. On 13.06.2024, Investigating Officer ASI Raj Singh, after obtaining production warrants from the Court, arrested accused Baljeet Singh @ Manna, Pardeep Singh @ Deepu and Surinder Pal @ Billa in this case. For obtaining the final medical opinion regarding the injuries of the injured Manpreet Singh @ Latta, an application was submitted to the concerned department along with the bed head ticket. However, the doctor stated orally that the bed head ticket had not been issued, and therefore, final opinion regarding the injuries could not be given. After completion of investigation proceedings and the necessary formalities thereto, the report under section 173 of the Cr.P.C. was prepared and presented in the Court against the accused persons.

6. On presentation of final report, copies of the documents as required under Section 207 of the Code of Criminal Procedure were supplied to accused persons and their statements were recorded.

7. Finding a prima facie case for the offence punishable under section 307 of IPC exclusively triable by the court of Session, the case was committed to the court of Session by the learned Area Magistrate, as referred above. By way of entrustment, present case was received for trial before this court.

8. Finding a prima-facie case triable under Sections 307, 323 read with Section 34 of IPC to be made out against the accused persons,

they were accordingly charge sheeted on 02.01.2025. The contents of the charges were read over and explained to the accused in their vernacular language, to which they pleaded not guilty and claimed trial.

9. In order to substantiate the allegations, the prosecution examined PW1 Manpreet Singh alias Latta, complainant who deposed to the effect that he was confined in Central Jail, Faridkot, in case FIR No. 228 since 2022. One another FIR was also registered against him under the NDPS Act as well as under the provisions of Prisons Act. On 10.05.2024, he was brought to the Court Complex, for producing him in the Court of Shri Shinku Kumar, learned JMIC, Faridkot and he was kept in the *Bakshi Khana* situated in the premises of Judicial Courts Complex where some persons caused injuries to him from his backside with the help of *kara*, but he could not see their faces. He categorically stated that he has seen the accused Baljeet Singh alias Manna through video-conferencing, Pardeep Singh alias Deepu and Surinderpal Singh alias Billa, present in the Court and they never caused any injury to him on that day. Perhaps his statement was recorded by the police. His signatures were obtained on blank papers. He identified his signatures Ex.P1 on statement Mark P2. He voluntarily stated that he had not rendered any version as recorded in Mark P2.

10. Having been declared a hostile witness on the request of the prosecution, on cross examination conducted by the prosecution, the witness was confronted with marked portions of statement made to police Mark P2. Though the witness admitted his signatures on statement Mark

P2, but he adopted the stand that his signatures were obtained by the police on blank papers. Despite lengthy cross examination, no positive result and no incriminating evidence against the accused could be extracted.

11. PW2 Dr. Jyoti deposed that on 10.05.2024, injured Manpreet Singh, who was confined in Central Jail, Faridkot, was brought to the Emergency by Harbhajan Singh, No.545/FZR with alleged history of assault at *Bakshi khana*, Judicial Courts, Faridkot and intimation Ex.PW2/A was sent by the Emergency Medical Officer Dr. Jobanpreet Kaur. The injured was admitted in Department of Surgery, Unit-III, where he remained admitted till 16.05.2024 and thereafter, he was admitted in Department of Surgery, Unit-IV, where he was treated by her along-with other doctors. As per record, no MLR was conducted of the above-named injured and he left the hospital against medical advise on 17.05.2024. She proved the bed head ticket as Ex.PW2/B.

12. PW3 ASI Laxmi Narain deposed that on 10.05.2024, he along-with some other police officials had brought the undertrials from the Central Jail, Faridkot to Court Complex, Faridkot, for producing them before the respective courts. Undertrial Manpreet Singh @ Latta was also brought to the Court Complex on that day along with accused Baljeet Singh @ Manna, Pardeep Singh @ Deepu and Surinder Pal Singh @ Billa and they were kept in the *Bakshi Khana*. When he was present at the *Bakshi Khana*, Courts Complex, Faridkot, he saw accused Baljeet Singh @ Manna, Pardeep Singh @ Deepu and Surinder Pal Singh @ Billa were

fighting with Manpreet Singh @ Latta. Accused Baljeet Singh @ Manna was wearing an iron *Kara* and the other accused might also wearing iron *karas*. They were beating Manpreet Singh @ Latta with *karas*. They rescued Manpreet Singh @ Latta from them and took him for medical examination. Accused handed over their *karas* to Inspector Harbhajan Singh, who was In-charge of police guard. *Karas* were handed over to Inspector by his co-employees who were with him at that time after taking from the accused.

13. Having been declared a hostile witness on the request of the prosecution, on cross examination conducted by the prosecution, the witness was confronted with marked portions of statement made to police Mark P4. However, the witness denied having suffered such statement.

14. PW4 ASI Harwinder Singh deposed that on 10.05.2024, he was deputed to bring the undertrials from the Central Jail, Faridkot, for producing them in the Courts. Complainant Manpreet Singh @ Latta, accused Baljeet Singh @ Manna, Pardeep Singh @ Deepu and Surinder Pal Singh @ Billa were also brought to the Court complex, for producing them in the respective Courts. They were kept in the *Bakshi khana*. He heard some voices and abuses from inside the *Bakshi khana*. In-charge Inspector Harbhajan Singh got the locks open with the help of Munshi ASI Laxmi Narain. He along with Inspector Harbhajan Singh and ASI Laxmi Narain entered in the *Bakshi khana* and when they entered the bathroom, they saw Manpreet Singh @ Latta in injured condition and the blood was oozing out from his injuries. Injured Manpreet Singh @ Latta

told them that accused Baljeet Singh, Pardeep Singh @ Deepu and Surinder Pal Singh @ Billa had caused injuries to him with the help of *karas*. Thereafter, he along-with Inspector Harbhajan Singh In-charge and PHG Rasal Singh took Manpreet Singh injured to Civil Hospital, Faridkot. Manpreet Singh refused for his medico legal examination. He was given first aid by the doctor and he was brought back to the *Bakshi khana*. Thereafter, they kept on performing their duties of producing the undertrials in the respective courts. After some time, injured Manpreet Singh complained of severe pain before Inspector Harbhajan Singh In-charge. Thereafter, he along with Inspector Harbhajan Singh and PHG Rasal Singh got the injured admitted in G.G.S. Medical College and Hospital, Faridkot, where he was treated and his MLR was issued.

15. PW6 Inspector Harbhajan Singh (Retd.) also deposed on the lines of PW4 ASI Harwinder Singh and corroborated his version.

16. PW5 Senior Constable Gurwinder Singh brought the summoned record pertaining to duties of police officials and Punjab Home Guards for bringing the undertrials from the jail and producing them before the respective courts and proved copy of the record as Ex.P5/PW5 and copy of DDR No.7 dated 10.05.2025 Ex.P6/PW5.

17. PW7 ASI Raj Singh Investigating Officer of this case deposed with regard to various steps taken by him during the course of investigation and proved documents on record i.e. ruqa Ex.PW2/A, statement of complainant Ex.P7/PW7, police proceedings Ex.P8/PW7, FIR Ex.P9/PW7, medical ruqa received from Civil Hospital, Faridkot

Ex.P10/PW7, rough site plan Ex.P11/PW7, recovery memo of two *kara* Ex.P3/PW3, arrest memo of accused Ex.P12/PW7, memo for calling counsel Ex.P13/PW7, personal search memo Ex.P14/PW7, application moved to the In-charge, Forensic Department Ex.P16/PW7, copy of order dated 10.05.2024 passed by the Court of Shri Shinku Kumar, learned JMIC, Faridkot Ex.P17/PW7, record pertaining to duty of the concerned officials who were on duty on 10.05.2024 for bringing the undertrials from Central Jail, Faridkot in the Courts at Faridkot Ex.P5/PW7, copies of custody warrants Ex.P18/PW7 to Ex.P21/PW7, photograph of injured Manpreet Singh Ex.P22/PW7 and two *karas* MO1 & MO2.

18. PW10 HC Parwinder Singh was member of the police party headed by ASI Raj Singh and corroborated the testimony of ASI Raj Singh.

19. PW8 Dr. Jobanpreet Kaur proved medical ruqa/information sent to the police regarding admission of injured Manpreet Singh at Emergency of GGS, Medical College and Hospital, Faridkot as Ex.PW2/A.

20. PW9 Kuldeep Kumar, Additional Ahlmad in the Court of Shri Shinku Kumar, learned JMIC, Faridkot, brought the summoned record and proved copy of order dated 10.05.2024 passed in CRM-1366-2023 as Ex.P17/PW7.

21. Thereafter, learned Additional Public Prosecutor for the State closed the prosecution evidence.

22. When examined under Section 351 of BNSS, the accused denied all the incriminating circumstances appearing against them in the prosecution evidence and pleaded false implication. Accused pleaded that they did not know the complainant. They never remained inimical with the complainant. No injuries were caused by them to the complainant.

23. I have heard learned Additional Public Prosecutor for the State, learned counsel for the accused and have gone through the record.

24. The prosecution case rests primarily upon the testimony of PW1 Manpreet Singh alias Latta, who is the complainant/injured. However, a careful scrutiny of his deposition reveals that the prosecution story does not inspire confidence. PW1 categorically deposed that on 10.05.2024, while he was confined in the *Bakshi Khana* situated in the Judicial Courts Complex, some persons caused injuries from his backside with the help of a *kara*. Significantly, he stated that he could not see the faces of the assailants. More importantly, PW1 unequivocally stated that the accused namely Baljeet Singh alias Manna, Pardeep Singh alias Deepu and Surinderpal Singh alias Billa, who were present in Court, had never caused any injury to him on that day. PW1 further disowned the prosecution version by stating that his signatures were obtained by the police on blank papers. Thus, the complainant has completely failed to support the prosecution case and has rather exonerated the accused persons in clear and unambiguous terms. Once the testimony of the complainant himself demolishes the substratum of the prosecution case, no reliance can be placed on the alleged prosecution version or the contents of statement Mark P2. It is a settled principle of criminal jurisprudence that when the star witness does not support the

prosecution and the identity and role of the accused are not established beyond reasonable doubt, the accused are entitled to benefit of doubt. In the present case, there is no other independent or cogent evidence on record to connect the accused with the alleged occurrence.

25. As per the prosecution version, ASI Laxmi Narain, who was posted as Munshi of the court production guard, allegedly met ASI Raj Singh and produced two iron *karas*, stated to have been allegedly used by the accused during the scuffle, taken into police possession vide recovery memo Ex.P3/PW3. However, when ASI Laxmi Narain stepped into the witness box as PW3, he materially contradicted the prosecution version. He categorically deposed that the accused had handed over their *karas* to Inspector Harbhajan Singh, who was the In-charge of the police guard, and not to ASI Raj Singh. This contradiction goes to the root of the alleged recovery. The prosecution has failed to establish a clear and consistent chain as to who actually received the alleged weapon of offence, from whom, and in what manner. The recovery memo Ex.P3/PW3 thus becomes doubtful, as the person who allegedly produced the *karas* before ASI Raj Singh has, during his sworn testimony, shifted the possession and custody to a different officer altogether. The contradictory stand taken by PW3 creates a serious doubt regarding the very factum of recovery, the identity of the recovered articles, and the authenticity of memo Ex.P3/PW3.

26. The case of the prosecution also suffers from other material contradictions. As per the deposition of PW3 ASI Laxmi Narain and PW6 Inspector Harbhajan Singh (Retd.), upon hearing noise from the *Bakshi Khana*, they reached the spot and rescued the complainant Manpreet Singh alias Latta

from the accused persons. However, the statement of Inspector Harbhajan Singh recorded under Section 161 Cr.P.C. is materially contradictory to his testimony recorded during trial. In his statement under Section 161 Cr.P.C., Inspector Harbhajan Singh stated that on the relevant day, while he was sitting outside the *Bakshi Khana* in his capacity as Guard In-charge, he suddenly heard loud sounds of abuse and shouting coming from the bathroom constructed inside the *Bakshi Khana*. Thereupon, he asked the Munshi to unlock the lock and get the door opened, and upon entering inside, he found the undertrial prisoner Manpreet Singh alias Latta lying in a blood-soaked condition. He further stated that the complainant disclosed that Baljeet Singh alias Manna, Pardeep Singh alias Deepu, and Surinderpal Singh alias Billa, in furtherance of their common intention, had assaulted him and had struck him on the head with iron *karas*. A similar version was given by PW4 ASI Harwinder Singh and PW3 ASI Laxmi Narain in their statement recorded under Section 161 Cr.P.C. In view of the law laid down by the Hon'ble Punjab and Haryana High Court in **Gurdev Singh v. State of Punjab (2010 (3) RCR (Criminal) 695)**, the material contradiction between the Section 161 Cr.P.C. statement and the deposition of PW6 Inspector Harbhajan Singh regarding the manner of occurrence and rescue of the complainant renders the prosecution version doubtful.

27. Admittedly, in the present case, no MLR of the complainant/injured Manpreet Singh alias Latta was conducted, as he refused to undergo the same. Consequently, the nature and extent of the injuries allegedly suffered by the complainant could not be substantiated on record.

28. The testimonies of PW2 Dr. Jyoti, PW4 ASI Harwinder Singh, PW5 Senior Constable Gurwinder Singh, PW6 Inspector Harbhajan Singh (Retd.), PW7 ASI Raj Singh, PW8 Dr. Jobanpreet Kaur, PW9 Kuldeep Kumar and PW10 HC Parwinder Singh are purely formal in nature. PW2 and PW8 only deposed regarding admission of injured in the hospital and sending of ruqa regarding his admission in the hospital. PW4, PW5, PW6, PW7, PW9 and PW10 are official witnesses who have merely deposed about routine investigation steps. None of them witnessed the occurrence nor do their statements establish the involvement of the accused. At best, their evidence could have served as corroborative material, had the star witness of the prosecution i.e. complainant/ injured Manpreet Singh supported the case. However, in view of complainant Manpreet Singh alias Latta (PW1) complete denial of the prosecution version, the formal depositions of PW2 and PW4 to PW10 do not advance the prosecution case.

29. In view of the totality of the evidence on record, this Court finds that the prosecution has miserably failed to establish the guilt of the accused beyond reasonable doubt. Consequently, the accused are entitled to the benefit of doubt and are hereby **acquitted** of all the charges framed against them. Accused Baljeet Singh alias Manna, who is in custody in this case, be released forthwith if his custody is not required in any other case. The case property be dealt with as per rules after expiry of period of appeal/revision and subject to the decision of the appeal/revision, if any. File be consigned to the record room.

***Pronounced in open Court
on dated 29.01.2026***

Pankaj

***(Sanjiv Joshi)
Sessions Judge, Faridkot
(UID No.PB0105)***

State Vs. Baljeet Singh alias Manna and others

Present : Shri Surinder Sachdeva, Additional Public Prosecutor for State.

Accused Baljeet Singh alias Manna in custody, represented by Shri Amandeep Singh Parmar, Legal Aid Defence Counsel.

Accused Surinderpal Singh alias Billa on bail represented by counsel Shri Mandeep Chanana, Advocate.

Accused Pardeep Singh alias Deepu on bail represented by counsel Shri Karandeep Singh Bhullar, Advocate.

Accused closed their defence evidence. Arguments heard.

Vide my separate judgment of even date, all the accused have been **acquitted** of the charges framed against them. Accused Baljeet Singh alias Manna, who is in custody in this case, be released forthwith if his custody is not required in any other case. Accused are directed to furnish personal bonds in the sum of Rs. 50,000/- each under Section 481 of BNSS. Sureties of the accused stand discharged. Note on the properties of sureties be removed. Intimation to this effect be sent to the concerned authorities. The case property be dealt with as per rules after expiry of period of appeal/revision and subject to the decision of the appeal/revision, if any. File be consigned to the record room.

***Pronounced in open Court
on dated 29.01.2026***

Pankaj

***(Sanjiv Joshi)
Sessions Judge, Faridkot
(UID No.PB0105)***