

**IN THE COURT OF SANDEEP KAUR GILL, PCS,
JUDICIAL MAGISTRATE, 1ST CLASS, JALANDHAR.
(UID No.PB0599)**

**CIS No.-CHI-24097-2022
CNR No.PBJL03039028-2022
Date of Institution: 09.11.2022
Date of decision: 04.07.2026**

State of Punjab

Versus

Sarabjit Kaur wife of Gurjit Singh, R/o village Hamira, Kapurthala, at present resident of House No.519 Shaheed Bhagat Singh Colony, Jalandhar.

...Accused

**FIR No. 115 dated 22.09.2022
Under Section 323, 332, 353, 186 IPC
Police Station Division No.1, Jalandhar.**

Present:- Ms. Manjinder Kaur, Ld. APP for the State
Sh. Bhanu Partap Singh Advocate for accused Sarabjit Kaur.

J U D G M E N T

1. The accused has been sent up by the SHO Police Station Division No.1, Jalandhar to face trial under Section 323, 332, 353, 186 IPC on the allegations that on 22.09.2022 at about 2 PM accused assaulted criminal force on public servant and voluntarily obstructed him in discharge of public function and caused hurt to complainant being a public servant with blunt weapon.

2. The facts revealed from the report u/s 173 Cr.P.C., are that on 22.09.2022, ASI Baljeet Kaur was present at the police station. She received an intimation from the control room and she along with Lady Constable Jagjit Kaur and Constable Alampreet left for the house of

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Harjinder Kaur. There Harjinder Kaur recorded her statement to the effect that her tenant Sarabjit Kaur was abusing her. Thereupon, ASI Baljeet Kaur along with Lady Constable Jagjit Kaur counselled Sarabjit Kaur and asked her to go inside. However, she did not comply. Lady Constable Jagjit Kaur also asked Sarabjit Kaur to go inside whereupon Sarabjit Kaur retaliated and started pulling her hair and broke her nameplate. When ASI Baljeet Kaur tried to rescue Lady Constable Jagjit Kaur, Sarabjit Kaur twisted the left hand of ASI Baljeet Kaur and pushed her to the ground. Sarabjit Kaur was apprehended with the help of females from the locality. Then Constable Jagjit Kaur recorded her statement before ASI Baljeet Kaur that on 22.09.2022 upon receiving telephonic intimation from the control room that at House No. 590 Shaheed Bhagat Singh Colony, Jalandhar the tenant of Harjinder Kaur namely Sarabjit Kaur was fighting, she reached the spot along with ASI Baljeet Kaur and Constable Alampreet. At the spot Sarabjit Kaur was abusing her landlord Harjinder Kaur and her daughter-in-law in a loud voice. Many people from the locality had gathered there. Constable Jagjit Kaur and ASI Baljeet Kaur tried to counsel Sarabjit Kaur but she did not stop abusing. When Constable Jagjit Kaur asked her to go inside, Sarabjit Kaur pushed Constable Jagjit Kaur and pulled her by the hair in the courtyard of the house due to which the nameplate of Lady Constable Jagjit Kaur broke. When ASI Baljeet Kaur tried to rescue Constable Jagjit Kaur, Sarabjit Kaur pushed ASI Baljeet Kaur and twisted her hand. Both Constable Jagjit Kaur and ASI Baljeet Kaur were wearing police uniform. Sarabjit Kaur

interfered in the performance of official duty of Constable Jagjit Kaur and ASI Baljeet Kaur due to which the image of the police was spoiled. On the basis of the statement FIR was registered. The accused was arrested. The nameplate of Constable Jagjit Kaur was taken into police possession. Medical examination of accused Sarabjit Kaur was got conducted. After completion of investigation, challan was presented against the accused under Sections 323, 332, 353 and 186 IPC.

3. Upon presentation of challan in the court, the documents as envisaged u/s 207 Cr.P.C. were supplied to the accused free of costs.

4. From the contents of the challan and the documents enclosed therewith, a prima facie case was made out against the accused for having committed the offences punishable under Sections 353, 186, 332 and 323 IPC. Accordingly, accused was charge-sheeted. The contents of the charge were read over and explained to the accused to which she pleaded not guilty and claimed trial.

5. In support of its case the prosecution examined SI Baljeet Kaur as PW1 who proved the statement of Constable Jagjit Kaur as Ex. PW1/A, ruqa as Ex. PW1/B, FIR as Ex. PW1/C, endorsement regarding registration of FIR as Ex. PW1/D, rough site plan as Ex. PW1/E, memo vide which broken nameplate and torn shirt of Constable Jagjit Kaur were taken into police possession as Ex. PW1/F, arrest memo of the accused as Ex. PW1/G, personal search memo as Ex. PW1/H, pen drive of the occurrence as Ex. PW1/I, written complaint moved by Harjinder Kaur as Ex. PW1/J and case property as MO1 and MO2.

6. PW2 MHC Charanjit Singh deposed that on 22.09.2022, ASI Baljit Kaur deposited with him one parcel containing a broken nameplate. He deposited the same in the Malkhana and made an entry in Register No. 19.

7. PW3 Constable Alampreet deposed as a witness to the occurrence and identified the exhibits already proved by the Investigating Officer.

8. PW4 Harjinder Kaur deposed as a witness to the occurrence. However, she did not support the case of the prosecution and was cross-examined by the prosecution. She was confronted with her previous statement given to the police.

9. PW5 Constable Jagjit Kaur deposed as a victim as well as an eye-witness to the occurrence. She proved her statement as Ex. PW1/A.

10. Thereafter, evidence of prosecution was closed by order and the file was fixed for recording statement of accused under Section 313 Cr.P.C.

11. Statement of accused under Section 313 Cr.P.C. was recorded whereby the entire incriminating evidence appearing on file was put across to her. She pleaded innocence and that she was never present at the place of occurrence. She is innocent and false implication in this case.

12. No evidence led by accused. The same was closed by order.

13. Arguments advanced by learned APP for the State and learned defence counsel heard and the case file perused.

14. After considering the rival contentions raised by Learned APP for State as well as Learned Defence Counsel and evaluating the entire oral as well as documentary evidence placed on record, following point emerges for determination:

1. Whether the accused on 22-09-2022 at about 02:60 PM in the area of House No.519 Sheed Bhagat Singh Colony, Jalandhar, accused assaulted criminal force on public servant and voluntarily obstructed public servant in discharge of public function and also voluntarily caused hurt to complainant being public servant with blunt weapon while discharge of his duty?

Finding:

15. In the present case the occurrence is alleged to have taken place at the house of Harjinder Kaur and the accused is alleged to be the tenant of Harjinder Kaur. Harjinder Kaur stepped into the witness box as PW4. However, she has not supported the case of the prosecution. She stated that she recorded her statement under pressure of the police. She further stated that she did not make any complaint to the police.

16. Further the prosecution has not placed on record any complaint made by Harjinder Kaur or the record of any call made by Harjinder Kaur to the control room which could establish the occasion for the presence of the police party at the house of Harjinder Kaur. In view of the same the prerequisite of Section 353 IPC is not met and the prosecution has failed to prove that ASI Baljinder Kaur, complainant

Constable Jagjit Kaur and the police party were present at the spot in discharge of their official duty.

17. Further an improvement has been made by PW1 SI Baljeet Kaur. In her cross-examination she alleged that the accused also caused an injury on the eyebrow of victim Constable Jagjit Kaur. However, no such version was put forth in the statement of Constable Jagjit Kaur -Ex. PW1/A.

18. Further there is an inconsistency in the version put forth by the prosecution and the statement of PW3 Constable Alampreet who is stated to be part of the police team. In his cross-examination, he stated that he along with ASI Baljinder Kaur reached the place of occurrence and except them no other police official was present with them. This raises a serious doubt on the case of the prosecution including the alleged breaking of the nameplate of Constable Jagjit Kaur and tearing of her shirt.

19. The aforesaid inconsistencies in the statements of the official witnesses coupled with the statement of Harjinder Kaur in her cross-examination that no occurrence took place on 22.09.2022 at her house and that she did not move any complaint to the police create a serious doubt regarding the prosecution case. Resultantly the prosecution has failed to prove its case beyond reasonable doubt against the accused. Accordingly, the point is decided against the prosecution and the accused is acquitted of the charges framed against her. The personal bonds of the accused and the surety bonds of the sureties stand discharged. Accused is directed to

furnish bail bonds in the sum of Rs.10,000/- with one surety of like amount under Section 437-A Cr.P.C. After awaiting the result of appeal or revision, if any, as the case may be, case property be disposed of as per rules. File be consigned to the Record Room after due compliance.

Pronounced in open court.

Dated: 04.07.2026

Som Nath

(directly dictated on computer)

(Sandeep Kaur Gill)

Judicial Magistrate Ist Class

Jalandhar (UID No.PB0599)

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State Versus Sarabjit Kaur

Present: Ms. Manjinder Kaur, Ld. APP for the State
Sh. Bhanu Partap Singh Advocate for accused Sarabjit Kaur.

In view of the exemption application, presence of accused Sarabjit Kaur exempted. No defence evidence is present. Same stands closed by order. Arguments heard. Vide separately recorded detailed Judgment of even date, the accused has been acquitted of the charges framed against her. Accused is directed to furnish bail bonds in the sum of Rs.10,000/- with one surety of like amount under Section 437-A Cr.P.C. After awaiting the result of appeal or revision, if any, as the case may be, case property be disposed of as per rules. File be consigned to the Record Room after due compliance.

Pronounced in open court.
Dated: 04.07.2026
Som Nath

(Sandeep Kaur Gill)
Judicial Magistrate Ist Class
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30.05.2026