

CNR no. HRFTA1-000464-2023
CHI-82-2023 State Vs. Kuldeep etc.

1

IN THE COURT OF MS. KUMARI JYOTI, JUDICIAL MAGISTRATE, 1ST
CLASS, SUB-DIVISION, RATIA, (U.I.D Code HR0463)
HRFTA10004642023



CIS No. CHI-82-2023
Criminal Case No.: 49-I-2021
Date of Institution: 02.05.2023
Decided on : 03.02.2025
Duration : 1 years, 9 months, 1 days

State	Versus	1.	Kuldeep Singh son of Jaspal Singh resident of village Barnala, Punjab
		2.	Gagan son of Rajesh Kumar resident of Ratia, Fatehabad.

FIR No.0323 Dated: 23.10.2022
Under Sections: 323, 325, 506, 34 of
IPC
Police Station: City Ratia

Present: Sh. Naveen Kumar, APP for the State.
Accused Gagan Monga and Kuldeep Singh are on bail with
Sh. Ravi Malik, Advocate.

JUDGMENT:

The above named accused have been sent by Station House Officer, Police Station City Ratia, to stand trial for commission of offences punishable under Sections 323, 325, 506 read with Section 34 of Indian Penal Code (Hereinafter to be referred as IPC, in short).

2. The brief facts of the present case, as per the version of the prosecution, are that on 10.10.2020 telephonic information regarding admission of Amritpal Singh son of Shangara Singh resident of ward no. 7, Bhikni District Mansa (Punjab) being admitted to GH, Ratia then

referred to MAMC, Agroha, was received. Injured was contacted on mobile phone but the mobile phone was switched off due to which his statement could not be recorded. On 23.10.2022, HC Gurpan Singh no. 30 along-with EHC Jaspal no. 219 were on patrolling duty then injured was present at Budhladha Road (Ghaghhar Pull), then statement of injured Amritpal Singh son of Shangara Singh resident of ward no. 7 Bhikhi District Mansa (Punjab) recorded after receiving the MLR and Rukka, in which he has submitted that he is resident of above mentioned address and works in Zona Service Station for washing the cars. On 10.10.2022 at about 10.00 p.m. he was present at Zona Service Station then Kuldeep Singh son of Jaspal Singh resident of Barnala District Mansa alongwith Goru Singh and Gagan residents of Ratia came there and started abusing him. When he asked them why they were abusing then Kuldeep Singh gave him a danda blow on his left hand and Goru and Gagan gave slap and punch blows and made him to fall down on the ground and all of them gave kick blows to him. When he started "*mar dia mar dia*" then after hearing his noise his colleague Satnam Singh son of Shera Singh resident of Bhundarwas came on the spot who rescued him. While leaving all of them threatened him with dire consequences. Then he himself arranged a private vehicle and got admitted to GH, Ratia, where first aid was given to him and doctor referred him to MAMC Agroha. After taking treatment at MAMC Agroha he returned to village Bhikhi and his mobile was also got switched off due to which he was unable to contact anyone and he was taking treatment from private doctor at village Bhikhi. He prayed for

taking action against accused persons.

3. Thus, FIR against the accused persons under Sections 323, 325, 506, read with Section 34 of IPC was lodged. Statement of witnesses under Section 161 Cr.P.C. recorded. Site plan was prepared. Accused were arrested. Disclosure statement of accused recorded. On finding substantial incriminating material against the accused. They were arrested and produced before Court and after complying with the other necessary formalities of investigation, challan was presented against them before the Court by SHO, Police Station concerned.

4. Copies of challan and documents were supplied to the accused free of costs as per the provision of Section 207 of Cr.P.C.

5. After hearing the learned APP for State as well as learned defence counsel and on appraisal of entire documents accompanied with the challan, a prima-facie case for the commission of offences punishable under Sections 323, 325, 506, read with Section 34 of IPC was made out against the accused and they were charge-sheeted vide order dated 02.05.2023 passed by the then learned SDJM, Ratia, to which they pleaded not guilty and claimed trial.

6. To substantiate its case, prosecution examined **two** witnesses i.e. LHC Amanpreet Kaur (Investigating Officer) as PW-1 and Amritpal (complainant) as PW-2.

7. Prosecution also tendered the following documents in support of its case:-

Ex.PW1/A FIR

Ex. PW1/B Endorsement of FIR

Ex. PW1/C	Arrest Form
Ex. PW1/D	Arrest Form
Ex. PW1/E	Disclosure Statement of accused Kuldeep Singh
Ex. PW1/F	Disclosure Statement of accused Gagan Monga
Ex. PW1/G	Disclosure Statement of juvenile
Ex. PW1/H	Demarcation of place
Ex. PW1/J	Opinion of doctor
Ex. PW2/A	Statement of complainant

8. Thereafter, learned APP for the State closed the prosecution evidence vide order dated 22.01.2025 as material witness turned hostile.

9. Thereafter, statements of accused u/s 313 Cr.P.C were recorded putting them the entire incriminating evidence, in which, they pleaded false implication and claimed innocence and opted to lead evidence in defence. However, no evidence in defence was led by the accused.

10. I have heard arguments advanced by learned APP for the state and learned defence counsel and perused the record.

11. The accused in this case has been charge-sheeted for commission of offences punishable under section 323, 325 and 506 read with Section 34 of IPC. In order to prove its case, prosecution examined as many as **two** witnesses in all. Prosecution examined LHC Amanpreet Kaur (Investigating Officer) as PW-1 and Amritpal (complainant) as PW-2. In order to prove the identity of accused, the

material witness examined by the prosecution is PW2. A perusal of testimony of PW2 shows that in his examination-in-chief he has stated on 10.10.2022 at 10.00 p.m. it was dark and the persons could not be seen clearly due to darkness. He admitted his signatures over Ex. PW2/A on the point 'A'. He has specifically stated that he did not know accused persons present before the Court. He has never seen them earlier nor they inflicted injuries upon him. He denied suggestion of learned defence counsel.

12. Prosecution also examined **LHC Amanpreet Kaur (Investigating Officer) as PW1**, who carried out investigation of this case. She reiterated the police proceedings carried out by her. However, It is pertinent to mention here that in view of the failure on the part of prosecution to establish the identity of the accused persons present in the Court, the testimony of PW1 pales into insignificance, keeping in view the fact that complainant did not support the case of the prosecution.

13. Thus, from the above discussion it becomes crystal clear that complainant has failed to support the prosecution version. No independent witness has been examined by prosecution. Prosecution could not prove the necessary ingredients of the offences under which the accused were charge-sheeted. Thus, prosecution has failed to produce any incriminating evidence on the file against the accused persons. Therefore, this court **acquits** the accused persons namely **Kuldeep Singh son of Jaspal Singh resident of village Barnala, Punjab and Gagan son of Rajesh Kumar resident of Ratia, Fatehabad**, from of

the charges framed against them. Their previous bail bond and surety bond stand discharged. However, their fresh personal bond in the sum of ₹.10,000/- each furnished, which are accepted and attested in compliance of Section 437-A of Cr.P.C. Case property, if any be handed over to the rightful claimant as per rules after expiry of period of appeal if any or according to the direction of the appellate court.

14. It is pertinent to mention here that if property of surety/sureties have been attached at the time when he/she/they/their stood surety/sureties of accused, the said property be released in view of the decision of the present case. Necessary **intimation** to concerned authority be sent immediately in this regard. Concerned Ahlmad is directed to do needful in this regard well in time. File be consigned to record room, after due compliance.

Pronounced in open court.
Dated: 03.02.2025

(Kumari Jyoti)UID No.HR0463
Judicial Magistrate Ist Class
Ratia

Pooja Rani, SG-II

Note: This judgment comprises of six (6) pages and each page has been checked and signed by me.

(Kumari Jyoti)UID No.HR0463
Judicial Magistrate Ist Class
Ratia/03.02.2025