

PBTT030022472023



IN THE COURT OF MS. INDU BALA, PCS,
CHIEF JUDICIAL MAGISTRATE,
TARN TARA/ (UID NO.PB-0368)

CIS No. CHI/280/2023
CNR No.PBTT030022472023
Date of Decision:-01.05.2026

State

Versus

Rajbir Singh @ Raju son of Dara Singh, resident of Gali Salgram wali,
Mohalla Tang Kashtri, Tarn Taran.

. . . Accused.

FIR no. 288 dated 07.12.2021
U/S 325,323,341,506 of IPC
P.S. City, Tarn Taran.

Present:- Sh.Pankaj Sharma, Ld.APP for the State.
Accused on bail with counsel represented by Sh.G.S.Gill,
Advocate.

JUDGMENT:-

1. The above named accused has been sent by the Station House
Officer of Police Station City, Tarn Taran to face trial in offence under

*Indu Bala
CJM, Tarn Taran*

Sections 325,323,341,506 of IPC.

2. Briefly stated, the facts of the present case as per the version of the prosecution mentioned in the challan are that on 07.12.2021 ASI Jaimal Singh No.1351 along with ASI Manjinder Singh, Constable Jatinder Singh and PHG Sher Singh was present near Guru Ka khoo Tarn Taran in search of suspects with laptop and printer. In the meantime the complainant Ravinder Kaur came present before ASI Jaimal Singh and got her statement recorded and she was accompanied by her brother Kuldeepak Singh. She produced MLR No. CHTT/32/JST/2021 dated 20.10.2021 along with X-ray report in which one injury was kept under observation and the other was declared simple and after X-ray one injury was opined as grievous and both injuries were caused by blunt weapon. The complainant stated that she is resident of Captain Gurcharan Singh Circular Road and she is a retired government teacher and presently a housewife and she has two married daughters and her husband has expired. She is residing alone and her parental house is nearby where her brothers are residing. On 20.10.2021 at about 6.30 PM she was going to the house of her brother Kuldeepak Singh through the street and when she reached near the land of her brothers the accused Rajbir Singh @ Raju son of Dara Singh who resides nearby was present there and he was under intoxication and there was previous enmity as he used to smoke and the complainant party used to object. The accused asked her to go away and upon her resistance he gave a blow with a wooden stick on her back due to which she fell down and raised alarm and the

accused also gave threats to kill her and upon hearing the alarm her brother Kuldeepak Singh reached the spot and the accused ran away while giving threats. Thereafter her brother arranged a vehicle and took her to Civil Hospital Tarn Taran where she was medically treated and her X-ray was conducted. Initially no action was taken at the instance of her brother but as the accused continued to threaten her she got her statement recorded. On the basis of her statement and MLR offences under Sections 325 323 341 and 506 IPC were found to be made out and ruqa was sent for registration of FIR and FIR was registered. The police visited the spot and prepared the scaled site plan and recorded statements of witnesses and during investigation the accused was arrested on 23.11.2021 and after completion of investigation challan was presented before the Court against the accused for facing trial.

3. Upon appearance of accused, copies of documents relied upon by the prosecution were supplied to the accused free of cost as required under section 207 Cr.P.C.

4. Finding a prima facie case for the offences punishable under Sections **341, 325, 323 and 506** of IPC charge were framed against the accused accordingly to which accused pleaded not guilty and claimed trial.

5. In order to prove its case, the prosecution examined eight witnesses namely:-

PWs	Name of Witness	Documents	Exhibits
PW1	Kuldeepak Singh		

2.	Ravinder Kaur	Statement	Ex.P1
3.	Retired ASI Jaimal Singh	Police proceedings FIR Endorsement Site plan Arrest memo Personal search memo	PW3/A Ex.P3/B Ex.P3/C Ex.P3/D Ex.P3/E Ex.P3/F
PW4	ASI Rajpal Singh	Arrest memo Personal search memo	Ex.P3/E Ex.P3/F
PW5	Retired MLO Dr.Jagjit Singh		

6. Thereafter, learned APP for the State has closed prosecution evidence vide separately recorded statement on 03.04.2026.

7. The Statement of accused under Section 313 Cr.P.C was recorded in which the entire incriminating evidence appearing against the accused was put to the accused, to which the accused pleaded not guilty.

8. In his defence, accused opted not to lead any evidence.

Arguments addressed

9. This Court has heard the learned APP for the State and the learned counsel for the accused and with their able assistance, has gone through the evidence on record.

10. The learned APP for the State argued that the prosecution has successfully proved its case for the commission of offences punishable under sections **341, 325, 323 and 506 IPC** by way of evidence oral as well as documentary. All the witnesses have successfully deposed about their respective roles played by them during the investigation of the case. Therefore, the accused deserves to be convicted and be punished under law.

11. On the other hand, the learned Defence counsel has controverted all the contentions raised above. He vehemently argued that prosecution has miserably failed to prove its case against the accused. He further argued that the evidence is to be shifted on the basis of preponderance of probabilities and the accused is falsely implicated in the case. He has further argued that the FIR against the present accused for the offences is not at all made out and they are entitled to be acquitted in the case.

Point of determination:

12. *From the pleadings of the parties, the following points arise for determination in the present case:*

1. *Whether on 20.10.2021 at about 6:30 PM, the accused Rajveer Singh wrongfully restrained the complainant Ravinder Kaur in a public passage, thereby committing an offence punishable under Section 341 IPC?*
2. *Whether on the said date, time and place, the accused voluntarily caused grievous hurt to the complainant Ravinder Kaur by means of a blunt weapon (stick), thereby committing an offence punishable under Section 325 IPC?*
3. *Whether the accused further caused simple hurt to the complainant, thereby committing an offence punishable under Section 323 IPC?*
4. *Whether the accused extended criminal intimidation to*

the complainant by threatening injury to her person, thereby committing an offence punishable under Section 506 IPC?

5. Whether the prosecution has been able to prove its case beyond reasonable doubt against the accused?

Findings:

13. The accused Rajbir Singh in the present case has been charged for the offence under Section 341 on the allegations that on dated 20.10.2021 about 6:30 PM, the accused wrongfully restrained the passage of complainant Ravinder Kaur at Street Captain Gurcharan Singh and thereby has committed the offence. Further, the accused has been charged for the offence under Section 325 of Indian Penal Code on the allegations that the accused Rajbir Singh has voluntarily caused grievous hurt to the complainant Ravinder Kaur with blunt weapon that is stick by hitting the same on her back. Further, the accused has been charged for the offence under Section 323 on the allegations that the accused has caused simple hurt on the person of complainant Ravinder Kaur and thus the accused has committed the offence. The accused is further charged for the offence punishable under Section 506 IPC on the allegations that the accused has given criminal intimidation and threatened the complainant with injury to her person.

14. In order to prove the contents mentioned by the prosecution in the charge sheet, the prosecution has examined PW1 Kuldeepak Singh who is the alleged eyewitness of the present occurrence. He has categorically

deposed that he is a government teacher and the complainant Ravinder Kaur is his sister who is a widow and was residing at a small distance from his house. She has two daughters and the complainant used to reside alone at her house. On dated 20.10.2021 he was present at his house and he heard noise from the street that accused Raju was beating his sister Ravinder Kaur. Upon hearing the noise he rushed towards the house of his sister from the street which leads towards the back gate of her house. When he reached there he witnessed that accused Rajbir Singh alias Raju son of Dara Singh was holding a stick in his hand and was beating his sister. His sister was shouting and weeping. Upon seeing him the accused ran away from the spot with the weapon. His sister told him that the accused was present in the land adjoining to her house and she had asked the accused to move out from the said land. The accused was in a state of intoxication at that time and he got annoyed and gave a blow with stick on the right hand of his sister. He then pushed his sister and threw her on the ground. Thereafter he arranged a vehicle and got his sister admitted to Civil Hospital Tarn Taran where she was medically legally examined. His sister did not report the matter to the police initially due to the formalities of police proceedings, however the accused continued to threaten her, upon which her statement was recorded and FIR was registered. He has identified the accused.

15. Further, the complainant herself has stepped into the witness box as PW2 and has categorically deposed that she is resident of Street Captain Gurcharan Singh and is a retired teacher. She has two daughters and

her husband has died. She was residing alone at her house and the house of her brother was at a short distance. On 20.10.2021 she was going towards the house of her brother Kuldeep Singh from the street towards the backside of her house at about 6:30 PM. When she reached near the gate she saw accused Rajbir Singh alias Raju son of Dara Singh present in the land of her brother which was in front of her house. She asked him to leave the spot. The accused was in a state of intoxication and used to smoke while moving in the street, which she had objected to earlier also, however he did not mend his ways. Due to this reason he got enraged and gave a blow with a wooden stick which hit her right wrist joint. He pushed her due to which she fell on the ground and thereafter gave another blow with the stick on her back. She raised hue and cry and in the meantime her brother came at the spot and the accused ran away with the stick. Her brother arranged a vehicle and got her admitted to Civil Hospital Tarn Taran where she was medically examined and treated. She did not report the matter to the police initially due to formalities, however as the accused continued to extend threats she got her statement recorded on 07.12.2021 which is exhibit **P1**.

16 Further, the prosecution has examined PW3 Investigating Officer retired ASI Jaimal Singh. He has stated that on 07.12.2021 he was posted at Police Station City Tarn Taran and on that day he along with other police officials was present at Mohalla Guru Ka Khoo when complainant Ravinder Kaur came to him and got her statement recorded. She stated that on 20.10.2021 at about 6:30 PM she was going towards the house of her

brother and saw the accused present in the land of her brother in an intoxicated condition. When she asked him to leave, he started beating her with a wooden stick and gave several blows due to which she fell on the ground. Her statement was recorded and Ruqa was sent to the police station through PHG Shera Singh. On the basis of the same FIR was registered. The Ruqa is exhibit **PW3/A** and FIR is exhibit **PW3/B** with endorsement exhibit **PW3/C**. He prepared the site plan of the place of occurrence vide memo exhibit **PW3/D**. On 13.12.2021 he arrested the accused vide memo exhibit **PW3/E** and conducted his personal search vide memo exhibit **PW3/F**. The memos were witnessed by ASI Rajpal Singh and Constable Balwinder Singh. He recorded statements of witnesses during investigation.

17. Further, the prosecution has examined ASI Rajpal Singh who has deposed that on 13.12.2021 he joined the investigation with ASI Jaimal Singh and witnessed the arrest of the accused vide memo exhibit **PW3/E** and personal search vide memo exhibit **PW3/F**. His statement was recorded by the police.

18. Further, the prosecution has examined PW5 Retired Medical Officer Dr. Jagjit Singh who has stated that on 20.10.2021 he was posted at Civil Hospital Tarn Taran and on that day Ravinder Kaur was brought to the hospital at about 7:40 PM with history of assault. On examination he found two injuries, one diffuse bruise on the right wrist joint with restricted mobility for which X-ray was advised and second a diffuse bruise on the back in the lumbar region which was declared simple. After X-ray report

dated 22.10.2021 showing fracture of distal radius of right wrist, injury No.1 was declared grievous in nature. The weapon used was blunt. He prepared MLR and pictorial diagram. However, this witness was not subjected to complete cross-examination and thereafter the prosecution evidence was closed.

19. The controversy in the present case arises out of a dispute between the complainant Ravinder Kaur and the accused Rajbir Singh regarding the presence of the accused in the land adjoining the house of the complainant and his conduct in the street. As per the prosecution version, the complainant objected to the accused standing in the land of her brother and also objected to his conduct of smoking in the street. On account of such objection, it is alleged that the accused who was under intoxication became enraged and inflicted injuries upon the complainant with a wooden stick and extended threats to her. Thus, the entire occurrence is stated to have emanated from a sudden altercation arising out of a local dispute which makes it incumbent upon this Court to carefully scrutinize the evidence with greater caution.

20. At the very outset, this Court finds that there is a considerable delay of about 53 days in the registration of the FIR. The occurrence is alleged to have taken place on 20.10.2021, whereas the FIR came to be registered on 07.12.2021. No satisfactory or convincing explanation has been furnished by the prosecution for such inordinate delay. This delay assumes importance as it provides sufficient scope for embellishment,

improvement and deliberation. The **Hon'ble Supreme Court in Thulia Kali v. State of Tamil Nadu 1973 AIR 501** has held that *delay in lodging the FIR, if not satisfactorily explained, is a circumstance which creates doubt regarding the truthfulness of the prosecution case*. Similarly it has been observed that *unexplained delay in lodging the FIR is a relevant factor which puts the court on guard while appreciating evidence*. In the present case, the delay of 53 days remains wholly unexplained and thus adversely affects the credibility of the prosecution story.

21. Coming to the testimony of PW1 Kuldeepak Singh, who has been projected as an eyewitness by the prosecution, it is observed that in his examination-in-chief he has supported the prosecution case and has stated that he saw the accused beating his sister with a stick. However, during his cross-examination, he has materially contradicted himself by stating that someone informed him that his sister was being beaten and he himself had not witnessed the occurrence. He has further stated that by the time he reached the spot, the accused had already fled away. This contradiction goes to the root of the matter and demolishes his claim of being an eyewitness. His testimony, therefore, becomes unreliable and cannot be safely relied upon. The **Hon'ble Supreme Court in State of Rajasthan v. Kalki 1981 SCR(3)** has held that *material contradictions affecting the core of the prosecution case render the testimony unreliable*.

22. The testimony of PW2, the complainant though appears to support the prosecution case in examination-in-chief however, is not free

from inconsistencies and improbabilities. The complainant has deposed that her brother reached the spot during the occurrence; however, this version stands contradicted by PW1 himself who has admitted that he did not witness the occurrence. Thus the presence of PW1 at the spot becomes doubtful and the prosecution version regarding the presence of an eyewitness is shaken. Further, the complainant has stated that she was admitted in the hospital after the occurrence however, as per the FIR there is no mention of her admission in the hospital. This discrepancy is material and raises doubt about the correctness of her version.

23. Another significant aspect is that no independent witness has been examined by the prosecution. As per the complainant, the occurrence took place in a street where children were playing. Despite the availability of independent witnesses none has been examined to corroborate the prosecution version. This omission assumes importance and casts a shadow on the fairness of the investigation as well as the truthfulness of the prosecution case. The non-examination of independent witnesses assumes significance when the prosecution case is otherwise doubtful.

24. The medical evidence also does not fully corroborate the prosecution version. The doctor who examined the complainant has not been fully examined as he has not been subjected to complete cross-examination. Even otherwise, the medical record indicates an injury on the wrist of the complainant which has been declared grievous in nature. However, the complainant in her deposition has not specifically stated that the accused

caused injury on her wrist. This omission is material and creates inconsistency between the ocular and medical evidence. The inconsistency between medical and ocular evidence, the court must scrutinize the evidence carefully and extend benefit of doubt if necessary.

25. Further, the testimony of PW3 the Investigating Officer is formal in nature. He has deposed regarding the recording of statement, preparation of site plan and arrest of the accused. However, no recovery of the alleged weapon of offence has been effected. The investigation lacks corroborative evidence and does not inspire confidence.

26. It is a settled principle of criminal law that the prosecution must prove its case beyond reasonable doubt and the accused is entitled to the benefit of doubt. where the prosecution case suffers from material infirmities and two views are possible, the one favourable to the accused must be adopted.

27. In view of the cumulative appreciation of evidence, this Court finds that the prosecution case suffers from serious infirmities namely unexplained delay of 53 days in lodging the FIR, unreliable testimony of PW1, contradictions between the statements of PW1 and PW2, absence of independent witnesses, inconsistency between medical and ocular evidence and incomplete examination of the medical witness. These infirmities create a reasonable doubt in the prosecution case. Accordingly, the accused is entitled to the benefit of doubt.

28. Further, it is observed that PW5, the Medical Officer has not

been subjected to complete cross-examination. His examination-in-chief has been recorded, however, his cross-examination remained incomplete and thereafter the prosecution evidence was closed. It is a settled principle of law that the testimony of a witness which has not been tested on the touchstone of cross-examination cannot be read in full against the accused. The right of cross-examination is a valuable right available to the defence and denial of the same causes serious prejudice to the accused. In such circumstances, the evidentiary value of the medical testimony stands substantially diminished and the Court cannot place implicit reliance upon the same.

29. On appreciation of this aspect, this Court finds that the incomplete examination of the medical witness creates a serious dent in the prosecution case, particularly when the medical evidence was crucial to establish the nature and cause of injuries. In absence of full cross-examination, the defence has been deprived of the opportunity to test the veracity and correctness of the medical opinion. Consequently, the medical evidence remains uncorroborated and unreliable to the extent required for criminal conviction. This lapse further strengthens the doubt already arising in the prosecution case and entitles the accused to the benefit of doubt.

30. The accused **is acquitted** of the charges under Sections **325,323,341,506 IPC** due to insufficient evidence to prove his guilt beyond a reasonable doubt. Case property, if any, be disposed off as per rules after

the expiry of period of appeal or revision, if any. File be consigned to the record room, Tarn Taran.

Note: Certified that all the pages of this Judgment are signed by me, which have been dictated by me and typed by judgment writer directly on computer.

Pronounced in open Court:

Dated: 01.05.2026

Shivani Steno-III

**Indu Bala, PCS
Chief Judicial Magistrate,
Tarn Taran(UID-PB0368)**

CHI-280-2023 State vs Rajbir Singh

**Present:- Sh.Pankaj Sharma, Ld.APP for the State.
Accused on bail with counsel represented by Sh.G.S.Gill,
Advocate.**

Arguments herd. Vide my separate detailed judgment of even
date, the accused has been **acquitted**, as stated therein. File be consigned to
the judicial record room, Tarn Taran, after due compliance.

Note: Certified that all the pages of this Judgment
are signed by me, which have been dictated
by me and typed by judgment writer directly
on computer.

Pronounced in open Court:

Dated: 01.05.2026

Shivani Steno-III

**Indu Bala, PCS
Chief Judicial Magistrate,
Tarn Taran(UID-PB0368)**

**Indu Bala
CJM, Tarn Taran**