

IN THE COURT OF MS. RAJANDEEP KAUR BILLING
JUDICIAL MAGISTRATE IST CLASS, SANGRUR
UID NO. PB0580

CNR No. PBSG03-002592-2024

CHI. No. 183-2024

Decided on : 27.02.2026

State of Punjab

Versus

1. Sunil Kumar @ Sunil son of Suresh Kumar, resident of Dr. Ambedkar Nagar, Sangrur.
2. Abhishek Kumar @ Avi son of Hardev Singh, resident of Dr. Ambedkar Nagar, Sangrur.
3. Deepak Kumar Nanda @ Kala son of Rajesh Nanda, resident of Khalifa Gali, Sangrur, now resident of Angad Nagar, Hareri Road, Sangrur.
4. Sunil Chauhan @ Happy son of Surinderpal Singh, resident of Sunder Basti Sangrur.

..... Accused.

FIR No. 41 of 06.03.2024
Under Sections 457, 380, 379, 411, 34 IPC
Police Station:- City Sangrur.

Present:- Ms. Shimpa, Ld. APP for the State.
Accused Sunil Chauhan on bail with Sh. G.P. Sharma, Advocate.
Accused Deepak Kumar @ Kala on bail with Sh. Harinderpal Singh Saini, Advocate (LADC).
Accused Sunil Kumar in custody with Sh. Parul Chawla Advocate.
Accused Abhishek on bail with Sh Parul Chawla, Advocate.

J U D G M E N T

The above named accused persons have been sent up to face trial under sections 457, 380, 379, 411, 34 IPC on the allegations that on

28.02.2024/04.03.2024 in the area of Khalifa Gali Sangrur, the said accused persons committed theft of LCD make Samsung, Microwave make Electrolux black in colour, gold ornaments i.e. two gold bangles, 4 gold chain, one gold kitty set, one locket set, five gold rings, eight gold earrings, 4 gold nose pin, 2 silver kada, one silver bracelet, 2 pairs of silver anklet, one silver locket, one silver earrings, one pair of child anklet, five silver coins, an amount of Rs.60,000/- from the house of complainant Sanjay Kumar by committing lurking house trespass, also committed theft of one motor cycle bearing registration no. PB-72-5614 belonging to Mohd. Shamshad and also found in possession of said motor cycle and electronic articles, gold ornaments and silver ornaments having knowledge the same to be stolen property.

2. Put succinctly, the facts revealed from the report u/s 173 Cr.P.C., are that on 06.03.2024, ASI Harish Kumar was present at police station, where, Sanjay Kumar son of Jagdish Chand, r/o house no. 579, Khalifa Street, Sangrur, appeared before him and got his statement recorded to the effect that on 28.02.2024, he along with his family members went to attend the Satsang of Dera Beas via Bus, at Delhi. At the time of leaving their house, he locked the main gate of his house and kept the keys with them. He stayed with his family at Satsang Ghar, Delhi for service till 03.03.2024. On 04.03.2024, at about 6.00 PM, they came back to their home and saw that the lock of main gate was missing but the gate was bolted from outside. Thereafter, they entered into the house and saw that the household articles were scattered and the lock of Almirah was also broken and gold ornaments, silver ornaments and currency notes were not found.

LCD Marka Samsung and Microwave Make Electrolux black colour were

also not found. He further deposed that the above said articles were stolen by some persons from their house. Thereafter, they informed the police. He further deposed that after self investigation, they came to know that Sunil Kumar @ Sunil, Abhishek @ Abhi and Deepak Kumar Nanda @ Kala have committed theft in their house. He requested to initiate the action against the accused persons. Statement was read-over to the complainant over which he signed the same in english language, after admitting the contents of the same to be true and correct. The said statement was also attested by ASI Harish Kumar. From the statement of complainant, offences u/s 457, 380, 34 IPC were found out against the accused persons. Thereafter, Investigating Officer sent ruqa at police station City Sangrur for registration of FIR, on the basis of which the present FIR has been registered against the accused persons. Thereafter, investigating officer reached at the spot and prepared site plan of the place of occurrence on the instance of complainant. Site plan was prepared. Statement of witnesses under Section 161 Cr.P.C were recorded. On 07.03.2024, ASI Harish Kumar along with other police officials was present at Barnala Kenchiyan, Sangrur, where, he received a secret information that Sunil Kumar, @ Sunil, Abhishek @ Abhi @ Khora and Deepak Kumar @ Kala were present at Pul Drain, Sohian Road, Sangrur, on a motor cycle make Splendor for purchasing some intoxicant substance from a person. If timely raid is conducted, they can be apprehended. Finding the information credible and trustworthy, ASI Harish Kumar went towards the place disclosed by the informer. When, police party reached 20 meters ahead from pull drain Sohian road, Sangrur, they saw three persons, standing around the motor cycle make Splendor. On suspicion, ASI Harish Kumar apprehended them with the help of the police

officials. On asking about their whereabouts, they disclosed their name as Sunil Kumar @ Sunil, and Abhishek Kumar @ Avi, both residents of Dr. Ambedkar Nagar, Sangrur and Deepak Kumar Nanda @ Kala son of Rajesh Nanda, resident of Khalifa Gali, Sangrur, now resident of Angad Nagar, Hareri, Road, Sangrur. During interrogation, the above said accused persons disclosed that motor cycle make Hero Splendor, black colour was stolen by them from Khalifa Street, Sangrur on intervening night of 03/04.03.2024. Thereafter, Investigating Officer searched the said motor cycle but no document with regard to ownership of the vehicle was found. Said motor cycle was taken into police possession, vide separate memo. Statement of witnesses were recorded. Site plan of the place of recovery was prepared. The offence under Section 379,411 was added against the accused persons vide special report. The accused persons were arrested and their personal search vide arrest-cum-intimation-cum personal search memos was conducted. During interrogation, accused confessed regarding the theft of gold and silver ornaments. Separate statements u/s 27 of Evidence Act were recorded. The same were reduced into writing and the same are witnessed by HC Sandeep Singh, SC Gurdeep Singh and signed by accused persons respectively. Thereafter, complainant was called and he was joined in the investigation. IO along with other police party, complainant and accused persons namely Sunil Kumar, Deepak Kumar, and Abhishek reached in the vacant plot adjoining the haddarodi on link road leading to village Komo Majra where accused persons dig the earth with their hands in the middle of the plot and took out the black polythene from the same and produced the same before the him. IO checked the same from which one pair of gold kada, one gold chain matarmala, one ladies chain, one male chain, two gold

lockets, one gold lady kitty set, four ladies gold rings, two pairs of gold earrings (balian), two gold earrings (tops), two gold saharas, three gold tops, one ladies locket, one gold nose pin, one silver bracelet, two silver male kada, one silver bracelet, two pair of silver anklets, one pair of child silver anklets, two silver ladies kada and 3 silver coins. The recovered gold and silver ornaments were weighed by the police party on the computer kanda. The complainant checked the same and identified the same ornaments which were stolen from his house. IO put the above said recovered gold ornaments into same black polythene and same was put into plastic box and converted into parcel. IO put the recovered silver ornaments into transparent polythene and put the same into plastic box and converted into parcel. IO sealed the above said parcels with his seal bearing impression HK and taken into police possession and the same was witnessed by HC Sandeep Singh, SC Gurdeep Singh and signed by Sanjay Kumar. Site plan of the place of recovery was prepared. Statements were recorded under Section 161 Cr.P.C. The offences were added vide special report. Then, IO ASI Harish Kumar along with other police party and the accused persons along with the recovered case property reached police station and the accused persons were put behind the bars and the case property was deposited with the MHC ASI Lakhwinder Singh. On 08.03.2024, accused persons namely Abhishek, Deepak Kumar and Sunil Kumar suffered disclosure statement regarding the hiding of silver articles and domestic articles which were stolen by them from Angad Nagar, Sangrur and the same were reduced into writing and the same was witnessed by HC Sandeep Singh, SC Gurdeep Singh and signed by accused persons. Thereafter, Deepak Kumar accused got recovered one washing machine make Samsung, one washing machine make LG, one

window AC make Samsung, one microwave, one battery mark Amron, one stablizer make Samsung, two gas cylinders, one LCD make Samsung, one microwave, 25 silver spoons, one silver surmedani, two piece silver gut, four silver glasses and one silver gadwi from his house. The above said articles were taken into police possession and the same was witnessed by HC Sandeep Singh and SC Gurdeep Singh. IO prepared the site plan. The recovered articles were identified by complainant Sanjay Kumar on 09.03.2024 and by Ravinder Pal on 09.03.2024 and the same are witnessed by HC Sandeep Singh and signed by complainant. Separate statement u/s 27 of Evidence Act were recorded. Then on 10.3.2024, ASI Harish Kumar took out the accused Sunil Kumar alias Sunil, Deepak Kumar alias Kala and Abhishek alias Abhi alias Khora from the jail and interrogated them one by one, he questioned them regarding the stolen goods, gold, silver and cash, which were not recovered by the accused during the investigation of this case. During the interrogation, the accused Sunil Kumar alias Sunil confessed regarding the theft of goods committed by him and on 04.03.2024, some goods stolen were given to his friend Happy alias Dhagu son of Surinderpal alias Foreman, resident of Sundar Basti, Sangrur and in return for that goods, he had bought and consumed intoxicating liquor from him. Separate statement u/s 27 of Evidence Act were recorded. On 10.03.2024 accused Sunil Kumar suffered his disclosure statement and same was witnessed by HC Sandeep Singh on the basis of which accused Happy was nominated in the present case vide special report. The statement of accused persons regarding their offences was recorded and the same was witnessed by HC Sandeep Singh and signed by accused persons and special report regarding the same was sent to higher officials.

On 25.04.2024 complainant Sanjay Kumar produced the bill No.201607090984 pertaining to microwave make electrolux and same was taken into police possession. The statement of witness under Section 161 C.P.C. was recorded. The memo was witnessed by HC Sandeep Singh. IO also obtained the certificate to prove the ownership of motor-cycle. On 14.05.2024, accused Sunil Chauhan was joined in investigation and he was arrested vide arrest-cum-initiation memo (dated 16.12.2025) was prepared. His personal search memo (dated 16.12.20025). Memos were witnessed by HC Jagtar Singh. The accused was released on bail as per orders of the Hon'ble Sessions Court. On 14.05.2024, addition of offence under Section 201 IPC was made. Action should be taken.

Thereafter FIR was registered and further investigation was carried out. Site plan was prepared. Statements of witnesses were recorded. Accused persons were arrested.

3. Upon completion of investigation, challan was presented against accused persons namely Sunil Kumar @ Sunil, Abhishek Kumar @ Abhi and Deepak Kumar Nanda @ Kala and supplementary challan was presented against accused Sunil Chauhan @ Happy in the court. The documents as envisaged u/s 207 Cr.P.C were supplied to the accused free of costs.

4. On finding a prima facie case, the accused was charge sheeted u/s 457, 380, 379, 411, 34 IPC, to which they pleaded not guilty and claimed trial.

5. In order to prove its case, prosecution examined Sanjay Kumar, complainant as **PW1**, Paramjit Ram as **PW2**, Mohammad Shamshad as

PW3, Joginder Singh, Field Kanungo as PW4, Dheeraj Kumar as PW5, HC Sandeep Singh as PW6, ASI Lakhwinder Kumar as PW7, Gurpiar Singh, Registry Clerk as PW8, Rajesh Sharma, Data Entry Operator as PW9, HC Jagtar Singh as PW10, ASI Harish Kumar, Investigating Officer as PW11 and Ravinderpal as PW12. Thereafter, Ld. APP for State closed prosecution evidence.

6. On closure of prosecution evidence, statement of accused u/s 313 Cr.P.C was recorded wherein all the incriminating material appearing against them was put to them to which, they denied and pleaded innocence and false FIR has been registered against them. The accused persons opted to lead defence evidence but without leading any evidence in defence closed their defence evidence vide their separate statements on 11.02.2026.

7. I have heard both the sides and have gone through the evidence on record carefully. The points of determination in the present case arise as under:

1. Whether between 28.02.2024/04.03.2024 in the area of Khalifa Gali, Sangrur all accused committed lurking house trespass/house breaking by night by entering into the house of complainant Sanjay Kumar and also committed theft of LCD make Samsung, Microwave make Electrolux black in colour, gold ornaments i.e. two gold kada, 4 gold chain, one gold kitty set, one locket set, five gold rings, eight gold earrings, 4 gold nose pin, 2 silver kada, one silver bracelet, 2 pairs of silver anklet, one silver locket, one silver earrings, one pair of child anklet, five silver coins, an amount of Rs.60,000/- and were found in possession of the stolen property?

2. Whether the case of the prosecution is fully proved beyond all reasonable doubts?

3. Whether on the intervening night of 03.3.2024/04.03.2024 in the area of Khalifa Gali, Sangrur, the said accused persons committed theft of motor-cycle bearing No.PB-72-5614 make Hero Splendor belonging to Mohd. Shamshad and was found in possession of stolen property?

8. To prove its case, prosecution examined **PW1 Sanjay Kumar, Complainant** who deposed as per the prosecution story, which need not be reiterated here to avoid repetition of discussion. He proved his statement recorded before the police as **Ex.PA**, Police possession of gold and silver ornaments vide memo as **Ex.PB**, identification of Stolen articles i.e. LCD make Samsung and microwave make Electrolux as **Ex.PC**, stolen articles taken into Police possession vide memo **Ex.PD** and bill of microwave as **Ex.PE**, Case properties i.e. gold ornaments, silver ornaments, microwave and LED TV the same are **Ex. MO-1 to Ex. MO-35**.

9. Prosecution further examined **PW2 Paramjit Ram, original owner**, who deposed that he owned motor-cycle bearing registration No. PB-72-5614 make Splendor model 2010. He sold the same to Mohammad Shamshad son of Shek Hasib in the year of 2022. He has seen the attested affidavit of the same and proved the same as **Ex. PW-2/A**, which bears his signature.

10. **PW3 Mohammad Shamshad, second owner**, deposed that in the year of 2022, he has purchased one second hand motor-cycle bearing registration No. PB-72-5614 make Hero Splendor of Black Colour from Paramjeet Ram son of Vakil Ram, Resident of Patiala. He proved the affidavit given by the seller Paramjeet Singh as **Ex. PW-5/A**. He further stated that on 03.03.2024 he parked his above said motor-cycle in the street in front of his house, however, on the next day i.e. in the morning on 04.03.2024 he found that his motor-cycle was stolen by some unknown persons. Lateron, he found that his above said motor-cycle was recovered by official of P.S. City Sangrur. He has seen the motor-cycle in the police station. His statement was recorded by the IO.

11. **PW4 Joginder Singh, Field Kanungo** deposed that on 22.04.2024, he was posted as Halqa Patwari at Sangrur. On that day, two applications were moved by the IO before Tehsildar Sahib and same were marked to him by IO vide endorsement as **Ex. PW-4/A** and he identified the signatures of Sh. Satinderpal Pannu, the then Tehsildar on the same being his superior officer. He further stated that as per the record, Gurmeet Kaur wife of Labh Singh was owner of house situated in Khewat No. 2864/3825 of Hareri Road, Kartarpur Sangrur and proved his report as **Ex. PW-4/B**. He identified his signatures on the same at point A.

12. **PW5 Dheeraj Kumar**, deposed that he know Deepak Kumar from his childhood as he used to stay in his Mohalla. He was under bad company influence therefore, he was asked to leave from Mohalla. Complainant Sanjay Kumar stays in his neighborhood around one and half years ago, theft was committed in his house. When the police came for investigation, he got to know that Deepak Kumar is associated with this theft. He identified the accused Deepak Kumar through VC.

13. **PW6 HC Sandeep Singh No.1785/SGR** who deposed on the lines of Investigating Officer, which need not be reiterated here to avoid repetition of discussion. He further proved police possession vide memo as **Ex.P5**, site plan regarding place of recovery as **Ex.P6**, personal search vide arrest-cum-intimation-cum personal search memos of accused persons namely Sunil Kumar, Abhishek and Deepak Kumar as **Ex.P7 to Ex.P9**, disclosure statement regarding the hiding of stolen gold, silver jewelry and domestic articles as **Ex.P10 to Ex.P12**, police possession vide memo as **Ex.PB**, site plan regarding place of recovery as **Ex.P13**, special report as **Ex.P14**, disclosure statement regarding the hiding of silver jewelry and

domestic articles as **Ex.P15 to Ex.P17**, police possession vide memo as **Ex.P18**, site plan as **Ex.P19**, identification of recovered articles by complainant Sanjay Kumar & Ravinder Pal on 09.03.2024 vide memo as **Ex.PC & Ex.P4/A respectively**, disclosure statement of accused Sunil Kumar as **Ex.P20**, special report of accused Happy nominated as accused **Ex.P21**, and statement of accused persons regarding their offences as **Ex.P22**. His statement was recorded by the IO. He identified the accused persons namely Sunil Kumar, Abhishek Kumar and Deepak Kumar Nanda through VC.

14. **PW7 ASI Lakhwinder Singh No.315/SGR Munshi Malkhana** who deposed that he has brought the original record i.e. register No.19 in which all the entries of the deposited case property by the IO are mentioned at entry No.1282/1283. He further stated that on 07.03.2024, IO ASI Harish Kumar deposited the case property comprising of motorcycle make Hero Splendor Black color and a parcel containing plastic box with black colored polythene having gold ornaments with him which was sealed with seal of HK. On 08.03.2024, IO produced the case property i.e. one fully automatic machine make Samsung white colour (6.2 KG) and one washing machine semi automatic make LG colour white (6 KG) and one window AC make Samsung colour white (1.5 ton) and one Microwave make LG colour grey, one bettera make Amaron Sollar colour white (1.5 ton), one stabilizer make Samsung colour white, two gas cylinders with gas of Bharat Gas Company Red coloured, one LCD make Samsung colour Black, one microwave make Electrlux colour Black, one decoration set with silver spoons gold plated (total 25 spoons of silver), one silver surmedani, two pieces of silver gutt, four silver glasses, one silver garvi and one black

coloured pithu bag containing iron weapons i.e. one iron chhaini of around 1.5 gith, one iron plass, one iron screw driver, one iron hammer of around 1 gith and submitted it with him in the Malkhana of police station. The said record was recorded by him in register No. 19.

15. **PW8 Gurpiar Singh, Registry Clerk** who deposed that on 24.4.2024, he was posted as Registry Clerk at Tehsil Office, Sangrur. He proved the report of Sub-Registrar as **Ex.PW8/A** regarding the ownership of house no.579, Khalifa Gali, Sangrur. He identified the signature at point A as **Ex. PW-8/A**. He has seen the transfer deed No. 3113 dated 13.12.2016 as **Ex. PW-8/B** on the judicial file.

16. **PW9 Rajesh Sharma, Data Entry Operator, RTO, Patiala** who deposed that he has brought the summoned original record of form No. 24 pertaining to vehicle No. PB-72-5614 and as per record Hero Honda Splendor Plus motor-cycle vehicle is registered in the name of Paramjit Ram son of Vakil Ram, resident of Village Arnopatran Patiala, District Patiala. He has seen the original form No. 24 on the record which is **Ex. PW-9/A** and the same is correct as per the record brought by him.

17. **PW10 HC Jagtar Singh No.50/SGR** who deposed that he was present along with IO ASI Harish Kumar at the police station on 14.5.2024 when Parveen Kumar son of Late Parkash Chand produced accused Sunil Chauhan alias Happy Dhaggu before the IO along with the bail orders. Accused was arrested vide arrest-cum intimation memo **Ex. PA** and his personal search was conducted vide memo **Ex. PB**. His statement was recorded by the IO. He identified the accused present in the Court.

18. Prosecution further examined **PW11 ASI Harish Kumar, Investigating Officer** who deposed as per the prosecution story, which

need not be reiterated here to avoid repetition of discussion. He further proved police proceedings as **Ex.P1**, FIR as **Ex.P2**, endorsement as **Ex.P3**, site plan as **Ex.P4**, motorcycle taken into police possession vide memo **Ex.P5**, site plan of place of recovery as **Ex.P6**, personal search memo of accused persons namely Sunil Kumar, Abhishek and Deepak Kumar as **Ex.P7 to Ex.P9**, disclosure statements regarding the hiding of stolen gold, silver jewelry and domestic articles as **Ex.P10 to Ex.P12**, site plan regarding place of recovery as **Ex.P13**, special report regarding addition of offences as **Ex.P14**, disclosure statements regarding the hiding of silver jewelry and domestic articles as **Ex.P15 to Ex.P17**, police possession vide memo as **Ex.P18**, site plan as **Ex.P19**, recovered articles identified by complainant Sanjay Kumar on 09.03.2024 vide memo as **Ex.PC**, recovered articles identified by Ravinder Pal on 09.03.2024 vide memo **Ex.P11/A**, disclosure statement of accused Sunil Kumar as **Ex.P20**, special report of nomination of accused Happy as **Ex.P21**, statement of accused persons regarding their offences as **Ex.P22**, arrest-cum-intimation memo of accused Sunil Chauhan as **Ex.PA**, his personal search memo as **Ex.PB**, special report of addition of offence as **Ex.P23**, and case property as **Ex.MO1 to Ex.MO78**. He identified accused persons namely Sunil Chauhan @ Happy and Deepak Kumar.

19. **PW12 Ravinder Pal** who deposed that the theft took place in his house on the intervening night of 03.03.2024. On the basis of his statement, FIR No. 42 was lodged. On 09.03.2024, he visited police station where he identified his articles ie. Washing Machine make Samsung, washing machine make LG, window AC make LG, microwave make LG, one battery make amrone solar, one stabilizer make Samsung, two gas

cylinders, silver articles including Surmedani, two pieces of Gut, four silver glass, one gadvi, 25 gold plated spoons and one decoration set vide memo PW11/A. He identified his signatures on the same at point A. Today, he has seen the above said articles as **Ex.MO36 to Ex. MO78**.

POINTS NO. 1 AND 2 :

20. The Ld. APP for the State has argued that from the prosecution evidence on record, the commission of the offence by the accused stands duly established and the accused are liable to be convicted and sentenced for the offences under Sections 457,380,379, 411,34 IPC. The accused have failed to lead any positive evidence to disprove the charges framed against them. Hence prayed for conviction of accused.

21. In defence, it has been pleaded that charge against the accused has not been established and the accused cannot be convicted on the inconsistent and unreliable testimonies of the prosecution witnesses. Ld. Defence counsel for Sunil Chauhan has argued that the prosecution witnesses have specifically stated in their cross- examination that no recovery has been effected from him, so he is liable to be acquitted. Hence prayed for acquittal of the accused.

22. The allegations against the accused are that between 08.02.2024 and 04.03.2024, the accused committed lurking house trespass/house breaking by night by entering into the house of complainant Sanjay Kumar in furtherance of common intention and committed theft of LCD, Microwave, gold ornaments, silver ornaments, cash of Rs. 60,000/- and on 07.03.2024 , the accused were found in possession of gold ornaments, silver ornaments, electric articles and domestic articles believing them to be stolen property.

23. Firstly, the prosecution was required to prove that LCD, Microwave, gold ornaments, silver ornaments, cash of Rs. 60,000/- were stolen of the

complainant. In this regard, prosecution examined PW-1 Sanjay Kumar who deposed as per the prosecution version but however, he produced only the bill of the microwave as Ex. PE. The complainant has failed to prove any bill showing the ownership of the complainant regarding the rest of articles which are alleged to be stolen by the accused. Thereafter, the prosecution examined PW-6 HC Sandeep Singh, recovery witness who stated as per the prosecution version and deposed that recovery of gold and silver jewellery were made in pursuance of the statements under Section 27 of the Indian Evidence Act suffered by the accused Sunil Kumar, Abhishek Kumar and Deepak Kumar. Further PW-7 HC Sandeep Singh and ASI Harish Kumar has stated in their cross-examination that the complainant has not produced any bill regarding the jewellery. Thus in view of the above discussion it is clear that the prosecution is able to prove the ownership of the microwave of the complainant. It is settled law that prosecution must prove the case against the accused beyond the shadow of reasonable doubt. However, in farce of any bill of the other items alleged to be stolen except microwave, a doubt is created on the prosecution version regarding other stolen articles.

Secondly, as per the prosecution version, the accused Sunil Chauhan was nominated on the basis of the statement suffered by accused Sunil Kumar. However, PW-6 ASI Harish Kumar IO stated in his cross-examination that no recovery was got effected from accused Sunil Chauhan and there is no witness regarding theft against accused Sunil Chauhan and except the statement of co-accused there is no evidence against the accused Sunil Chauhan. Similarly, PW-7 HC Sandeep Singh recovery witness also stated in his cross-examination that nothing was recovered in his presence from accused Sunil Chauhan and no witness has deposed against Sunil Chauhan regarding the matter in dispute and except the statement of co-accused nothing was on record against Sunil Chauhan.

Thirdly, the allegation against the accused was regarding the theft of motorcycle bearing no. PB72-5614 make Hero Splendor of Mohd. Shamshad and were found in the possession of the same. In order to prove these allegations, the prosecution examined PW-9 Rajesh Sharma, Data Entry Operator who proved the record pertaining to the motorcycle bearing No. PB-72-5614 and as per the record the same stands in the name of Paramjit Ram. Thereafter, the prosecution examined PW2 Paramjit Ram who stated that the motorcycle bearing no. PB-72-5614 was sold by him to Mohd. Shamshad. Thereafter, the prosecution Mohd. Shamshad as PW-3 who stated that his motorcycle bearing No. PB-72-5614 was got stolen on the intervening night of 03.03.2024/04.03.2024 and the same was got recovered by the police officials. The Investigating Officer and Recovery witness also corroborate the version of the prosecution regarding possession of accused of motorcycle in question.

Thus in view of the oral and documentary evidence, it stands duly proved that the theft of microwave belonging to the complainant Sanjay Kumar and motorcycle belonging to Mohd. Shamshad has been committed by the accused Sunil Kumar, Abhishek Kumar and Dheeraj Kumar and the accused have been found in possession of the same. However, no evidence has come against the accused Sunil Chauhan.

24. In view of the reasons discussed above, it can be held without any hitch that the prosecution has been able to prove criminal liability against the accused Sunil Kumar, Abhishek Kumar and Dheeraj Kumar qua the motorcycle in question and microwave. Hence, the accused persons namely Sunil Kumar, Abhishek Kumar and Dheeraj Kumar are hereby convicted of the charges levelled against them under Sections 379, 411 IPC read with Section 34 in the instant FIR. As far as allegations under Section 457 and 380 IPC are concerned, the

prosecution has failed to prove the ownership of the complainant of the house from which the theft is committed. Thus, the charge under Section 457, 380 IPC fails. The accused Sunil Chauhan stands acquitted under Section 379, 380, 457, 411, 34 IPC in the instant FIR. The accused Sunil Kumar, Abhishek Kumar and Dheeraj Kumar be taken into custody and be heard on the quantum of sentence.

Announced.

Dated 27.02.2026

Rachna stenographer-III

Rajandeep Kaur Billing
Judicial Magistrate Ist Class,
Sangrur. UID-PB0580

QUANTUM OF SENTENCE

Present : Ms. Shimpa, Ld. APP for the State.
 Convict Deepak Kumar @ Kala in person with Sh. Harinderpal Singh Saini, Advocate (LADC).
 Convict Sunil Kumar in person with Sh. Parul Chawla Advocate
 Convict Abhishek in person with Sh Parul Chawla, Advocate.

I have heard the convicts on the question of quantum of sentence. Convict have stated that they are poor persons and only bread earner and lenient view be taken against them. Keeping in view the nature of offence and the facts of the case, this Court is of the opinion that the present case is fit case where lenient view can be extended to convict. Accordingly, convicts Deepak Kumar, Sunil Kumar and Abhishek Kumar are sentenced as under:-

Name of Convict	Conviction under Section 379 read with Section 34 IPC,(rigorous imprisonment)	Fine Under Section 379(In default, simple imprisonment of 5 days)	Conviction under Section 411 read with Section 34 IPC,(rigorous imprisonment	Fine Under Section 411(In default, simple imprisonmen t of 15 days)
Sunil Kumar @ Sunil	Period already undergone	Rs. 500/-	Already undergone	Rs. 1000/-
Deepak Kumar Nanda @ Kala	Period already undergone	Rs. 500/-	Already undergone	Rs. 1000/-
Abhishek Kumar @ Avi	Period already undergone	Rs. 500/-	Already undergone	Rs. 1000/-

Fine paid against proper receipt and identification by accused Deepak Kumar Nanda @ Kala and Abhishek Kumar @ Avi. Fine not paid by convict Sunil Kumar @ Sunil. The sentences in default of payment of fine shall run concurrently. The sentence of imprisonment imposed under

Section 379 read with 34 IPC and 411 read with 34 IPC has taken to be already undergone by the accused respectively. Case property if any be disposed of after expiry of the period of appeal/revision. Copy of judgment be supplied to the accused free of costs. File be consigned to the record room after due compliance.

Date of Order: 27.02.2026
Rachna, *Stenographer-III*

(Rajandeep Kaur Billing)
Judicial Magistrate 1st Class
Sangrur, UID No.PB00580