

**In the Court of Ms.Poonam Kashyap,
Judicial Magistrate First Class-4, Moga**

CNR No. PBMO030007232018

Case No. CHI/116/2018



Presented on : 19-03-2018

Registered on : 19-03-2018

Decided on : 07-01-2023

State

Versus

1. Jagjit Singh alias Jagmeet Singh alias Meeta, aged about 24 years
S/o Bhagwan Singh R/o Talwandi Bhangarian, District Moga.
2. Parvinder Singh Labha alias Lovepreet Singh, aged about 23 years
S/o Sukhdev Singh r/o Talwandi Bhangarian, District Moga.
3. Manpreet Singh Manni, aged about 26 years, son of Hakam Singh
son of Sant Ram, r/o Dosanjh, District Moga.
4. Gurjeewan Singh Jugnu, aged about 27 years, son of Resham Singh
Chota, r/o Singha Wala, near Bharava Da Dhaba, District Moga.
5. Lovejeet Singh alias Lovi, aged about 32 years, son of Gurdev
Singh, r/o Dosanjh, District Moga.

FIR No. 94 dated 13.09.2017
U/s 452/323/324/325/148/149 IPC,
Police Station Mehna.

Present: Sh. Gurdeep Singh, Learned APP for the State.
Accused Gurjiwan Singh @ Jugnu on bail with counsel
Shri Lovelesh Gupta, Advocate.
Accused Lovejeet Singh on bail with counsel Shri K.K.
Mittal, Advocate.
Accused Jagjit Singh @ Jagmeet Singh @ Meeta,
Manpreet Singh and Parvinder Singh Labha @
Lovepreet Singh on bail with counsel Sh. K.S.Gill,
Advocate.

JUDGMENT

1. The above named all the accused have been sent to this Court
to face trial by the SHO of Police Station Mehna for offences under
Sections 452/323/324/325/148/149 IPC.

2. Brief facts of the prosecution story are that on 13.09.2017 SI Raghuwinder Parshad was present at police station Mehna, where MHC told him that the fight took place in village Talwandi Bhangarian . On this SI Raghuwinder Parshad alongwith other police officials reached Civil Hospital,Moga and received MLR, then he sought the opinion from the doctor whether the injured were fit to make statements or not and the doctor opined that the injured were fit to make statements. Then injured Baltej Singh got recorded his statement to him to the effect that he is working as a Plumber. On 12.09.2017 at morning time, he alongwith his family member alongwith his aunt's son namely Harpal Singh S/o Chhinder Singh r/o Talwandi Bhangarian went to his house for attending the function. On the evening time DJ was going on and the relatives were dancing. On the stage, Jagmeet Singh alias Meeta, Lovepreet Singh alias Labha, Lovejeet Singh alias Lovely, Manni, Gurmit Singh were in drunken condition and were dancing. At about 6 PM the quarrel took place for changing the song between Amanpreet Singh and Jugnu. Then accused Jugnu gave a slap to Amarpreet Singh and started fighting with each other, then the residents of Mohall separated them. Then Lovejeet Singh alias Lovely came again and started threatening and went alongwith some boys. Then the program was again started. Then after half an hour Jugnu alongwith some unidentified persons armed with Kirpans, baseball bats and iron rods came in the function. On coming, they started beating Amanpreet Singh, when he tried to rescue him, then accused Jugnu gave a Kirpan blow which hit on his forehead, then accused Lovejeet Singh alias Lovely gave a Kirpan blow to him, when in order to save himself he raised his left hand, then the kirpan hit on on the fingers of the back side

of his left hand. The other accused also caused him injuries with baseball bat, iron rods, when he tried to save Jagtar Singh from the clutches of the accused, the accused persons also caused him injuries, thereafter many persons gathered at the spot. Thereafter, all the accused persons ran away from the spot alongwith their respective weapons. On the basis of this statement case FIR No. 94 dated 13.09.2017, U/s 452/323/324/325/148/149 IPC, PS Mehna was registered against the accused. Statements of the witnesses were recorded. Accused were arrested. On completion of investigation and other formalities, challan against the accused was presented in the Court.

3. On presentation of challan, copies of documents were supplied to all the accused free of costs as per the mandate of Section 207 Cr. P.C

4. Finding a prima facie case, all the accused were charge-sheeted for offence punishable under Section 452,324,325,323,148,149 IPC to which they pleaded not guilty and claimed trial.

5. In order to prove its case, prosecution has examined PW-1 Baltej Singh, PW-2 Amanpreet Singh, PW-3 Harbans Singh, PW-4 Jagtar Singh, PW-5 Dr. Aman Garg, Medical Officer, Civil Hospital, Moga, PW-6 ASI Raghuwinder Parshad, PW-7 ASI Surjit Singh, PW-8 Pritam Singh, PW-9 Dr. Suraj Bansal, PW-10 HC Lakhwinder Singh, PW11 SI Raj Singh, PW-12 Kulwant Singh Radiographer and proved upon record the following documents in prosecution evidence i.e.

Ex P1 Statement of complainant Baltej Singh

Ex PW5/A MLR of Jagtar Singh

Ex PW5/B Its endorsement.

Ex PW5/C	X ray report of Jagtar Singh
Ex PW5/D	Supplementary report of Jagtar Singh
Ex PW5/G	X ray report of Harbans Singh
Ex PW5/E	MLR of Harbans Singh
Ex PW5/F	its endorsement.
Ex PW5/H	Supplementary report of Harbans Singh
Ex PW6/A	Ruqa
Ex PW6/B	FIR
Ex PW6/C	Recovery memo of motorcycle Hero Delux No.1 PB-29P 5921.
Ex PW6/D	Site plan.
Ex PW7/A	Arrest memo of accused Parwinder Singh
Ex PW7/B	Arrest memo of accused Jagmeet Singh
Ex PW7/C	Recovery memo of Sotta
Ex PW8/A	Arrest memo of Jugnu
Ex PW9/A	MLR of Amanpreet Singh
Ex P9/B	its endorsement
Ex PW9/C	X ray report of Amanpreet Singh
Ex PW9/D	Supplementary report of Amanpreet Singh
Ex PW9/E	MLR of Baltej Singh
Ex PW9/F	Its endorsement.
Ex PW9/G	Xray report of Baltej Singh
Ex PW9/H	Supplementary report of Baltej Singh
Ex PW10/A	Identification memo of accused Parwinder Singh
Ex PW11/A	Arrest memo of accused Manpreet Singh
Ex PW11/B	Arrest memo of accused Lovejeet Singh

Ex PW12/A	Recommendation for X ray of Amanpreet Singh
Ex PW12/B	Recommendation for X ray of Amanpreet Singh
Ex PW12/C	Recommendation for X ray of Jagtar Singh
Ex PW12/D	Recommendation for X ray of Harbans Singh
Ex PW12/E	Copies of entries in the register of Civil Hospital, Moga.

Thereafter, prosecution evidence was closed by orders as list of witnesses has been exhausted.

6. Statement of all the accused under Section 313 Cr. P.C was recorded, in which all the incriminating evidence appearing against all the accused by way of prosecution evidence was put to them to which they pleaded not guilty. All the accused have took plea that they are innocent and have been falsely implicated in the present case. No incident took place alleged by the complainant.

7. In defence evidence, Learned counsel Sh. K.K. Mittal on behalf of accused Lovejeet Singh has examined DW-1 Baljeet Singh into his defence evidence and placed upon record :-

Ex D1 MLR of accused Lovejeet Singh and its endorsement Ex D2

8. I have heard learned APP for the State as well as learned defence Counsel for all the accused and gone through record and documents carefully.

9. Learned APP for the State has argued that from the testimony of prosecution witnesses case of the prosecution has been duly proved. He has prayed that all the accused be convicted for the charge framed against them. On the other hand, learned defence counsel on behalf of appearing

all the accused have argued that all the accused have been falsely implicated in this case. They have argued that all the accused be acquitted.

10. After having heard learned APP for the State, learned defence counsel and on the examination of the evidence on record, the Court carves out following points for determination :-

- A) Whether on 12.09.2017 at about 6.00 PM in the area of PS Mehna, all accused in furtherance of common object of their unlawful assembly committed house trespass by entering into house of Harpal Singh after having made preparation for causing hurt to complainant party and thereby all accused committed an offence punishable under Section 452 IPC read with section 149 IPC ?
- B) Whether on the same date time and place all accused persons in furtherance of common object unlawfully shared with each other voluntarily caused simple hurt to the person of complainant Baltej Singh and Harbans Singh by means of Kirpan which is a sharp edged instrument used for cutting and thereby accused Jagjit Singh has committed an offence punishable under Section 324 IPC whereas his co-accused have committed offence punishable under Section 324 IPC read with section 149 IPC.?
- C) On the same date, time and place all accused persons in furtherance of common object unlawfully shared with each other voluntarily caused grievous hurt to the

person of Harbans Singh by means of Kirpan reverse side which is a blunt edged instrument used for cutting and thereby accused Jagjit Singh, Lovepreet Singh and Gurjiwan Singh has committed an offence punishable under Section 325 IPC, whereas co-accused have committed an offence punishable under section 325 IPC read with Section 149 IPC?

D) On the same date, time and place all accused in furtherance of common object of their unlawful assembly voluntarily caused simple hurts on the person of complainant Baltej Singh with blunt weapons and caused simple hurt on the person of Amanpreet Singh by slapping him and there by all accused committed offence punishable Under Section 323 read with section 149 IPC?

E) Whether on the same date, time and place all accused were members of an unlawful assembly armed with deadly weapons and in prosecution of common object of that assembly used criminal force/violence and thus all accused thereby committed an offence punishable under Section 148 of Indian Penal Code?

POINTS FOR DETERMINATION A TO E

11. To prove its case, the prosecution has examined PW1 Baltej Singh. He has stated that on 12.09.2017, he went to village Talwandi Bhangarian to attend the function in the house of his Mother's Sister (Massi). At about 6.00 P.M, D.J was being played in the house of his

Massi. All the relatives were dancing. Accused Jagmeet Singh @ Meeta, Lovejeet Singh @ Lovely, Lovepreet Singh, Jugnu @ Gurjeevan Singh, Mani @ Manpreet Singh were also dancing before the D.J. Verbal quarrel took place between above said persons and their relative Amanpreet Singh. All the accused started quarreling with Amanpreet Singh. They consoled accused and Amanpreet Singh. Accused also slapped Amanpreet Singh. All the accused went away from the spot by saying that they will come back and will see him. Then after 30 minutes, above said accused along-with 5/6 persons came on motorcycle. All the accused were armed with Kirpan, Baseball bat and Iron Rods. After coming at spot, all the accused started causing injuries to the Amanpreet Singh with their respective weapons. When he came forward to rescue him, Lovejeet Singh who was armed with Kirpan gave kirpan blow on his forehead. Then again he gave a kirpan blow on his right hand. Accused also caused injuries on his leg with their respective weapons. Accused also caused injuries to Harbans Singh, Jagtar Singh with their respective weapons. People gathered there, who rescued them from the accused persons. Then all the accused ran away from the spot with their respective weapons. Accused also left their one motorcycle at the spot. Due to the verbal quarrel with the accused and Amanpreet Singh, all the accused caused injuries to them. Then they were shifted to Civil Hospital Moga where they were medicolegally examined. On the next day, police came in the hospital and recorded his statement. He has seen his statement Ex.P1, it bears his signature at Point A. He signed the same, after it admitting to be correct. He identified all the accused in the Court. But in his cross examination he has stated that accused Parvinder Singh was not known to

him earlier. There was no previous enmity between him and accused Parvinder Singh. It is correct that accused present in the Court is only Parvinder Singh. He was taken to hospital after one hour of the occurrence. He further stated that no videography/photography was being done at the time of function. He was called by the police at police station Mehna after one month when he was discharged from the hospital. Police did not taken him anywhere from the police station. Four persons were injured in the occurrence. He further stated that he further stated that occurrence took place in the house of Chhinder Singh. All the accused are the friends of Chhinder Singh. None of them is relative of Chhinder Singh. He know all the accused earlier to the occurrence. He does not know the accused earlier. He further stated that it is correct that he does not know the names of the accused but the police had recorded the names of the accused by verifying from the surroundings. Chhinder Singh is his Masar, other injured persons namely Jagtar Singh, Harbans Singh and Amanpreet Singh are the brothers of Chhinder Singh. All the injured persons including him were invited in the function of Chhinder Singh. He further stated that it is correct that accused were also invited in the function. He has not seen the weapons in the Court. Accused Lovejeet Singh Lovely was armed with Kirpan. One another accused was armed with kirpan but at this time he does not know who was that accused. It is correct that neighbours also gathered at the spot. It is correct that the D.J. system was installed by accused Jugnu. He further stated that it is correct that quarrel took place between Amanpreet Singh and Jugnu due to the playing of D.J as Amanpreet Singh wants to change the song according to his wishes. It is correct that in that quarrel Jugnu slapped

Amanpreet Singh. It is correct that all the accused took alcohol in the function. It is incorrect to suggest that all the injured persons including him had consumed alcohol. When Jugnu slapped Amanpreet Singh situation become worst. Police came at the spot after one hour. No inquiry was made by the police at that time. He does not know whether the above said persons took Lovejeet Singh in the hospital. He further stated that it is correct that there are number of houses around the house of Chhinder Singh where occurrence took place. It is correct that he has not specifically mentioned in his statement that Jagmeet Singh caused injuries to him but he has got recorded that all the accused have caused injuries to him. He is in possession of blood stained clothes same were not handed over to the police. He further stated that he had got recorded in his police statement that all the accused persons went away from the spot that they will come back and see him. However, name of Lovejit Singh @ Lovely has been mentioned. However, injuries on the body by the accused has been mentioned. He further stated that Chhinder Singh is his maternal uncle (Massar). Harbans Singh took liquor at that time. He was having cell No. 98558-89763. No test identification parade of accused persons were got conducted from him by the police. He did not fell unconscious after receiving the forehead injury. He further stated that no body tried to rescue him when he received the first injury. After the first incidence function was not restarted. Three injuries in all were received by him. Second injury was on his back of the hand. He further stated that after receiving the second injury no body tried to rescue him. The entire second occurrence last for about 20 minutes. Police had never shown weapons to him. After him the injuries were caused on Harbans Singh.

12. Prosecution has further examined PW-2 Amanatpreet Singh. He has deposed that on 12.09.2017, he had gone village Talwandi Bhangarian in order to attend the function of grandson of his maternal uncle. D.J was being played there. At about 6.00 P.M, all the relatives were dancing before the D.J. his sister's son namely Sunny went before D.J for changing a song. Accused Jugnu pushed his sister's son Sunny and also caught him from the neck. When he tried to console accused Jugnu, then he slapped at the face of Laddi, who is his father's elder brother (Taya) son. Accused Jagmeet Singh, Lovely, Jugnu, Mani, Labha were also present at the spot. Then all the accused left the spot by saying that they will come back shortly and will see them. Then all the above said accused came back after 30 minutes. They were armed with Kirpan, Balsball bat, and Iron Rods. Accused were also came at the spot along-with 7/8 unknown persons. Then all the accused caused injuries to him with their respective weapons. Accused also caused injuries to Baltej Singh, Harbans Singh and jagtar Singh with their respective weapons when they tried to rescue him. Then all the accused left the spot with their respective weapon on motorcycle, but they left one motorcycle at the spot. Police also came at the spot. Then Darshan Singh respectable person of the village got admitted them in Civil Hospital Moga where they were medico-legally examined. All the accused who caused him injuries are present on that day in the Court. Police recorded his statement. But in his cross examination he has stated that he came to know about this fact lateron. He did not get recorded in his statement Ex DX that his sisters son Sunny was pushed by Jugnu and he also caught him from the neck. There was no dispute with him by Jugnu. He further stated that it is

correct that some people might have received injury by brick batting voluntarily they have not thrown any brick batting. He came to know lateron that Lovely accused was admitted in the hospital with injuries.

13. Prosecution has further examined PW-3 Harbans Singh. He has deposed that the name of his brother is Shinder Singh. About 7½ months ago, there was a function of grand son of his brother Shinder Singh. At about 6.00 P.M, D.J was being played at the house of his brother Shinder Singh. All the relatives were dancing before the D.J. Verbal quarrel took place between accused Lovely, Labha, Jagmeet, Mani and Jugnu with his sister's son. They slapped at his sister's son. Accused left the spot that they will come within 30 minutes. After 30 minutes, all the above said accused were armed with baseball bat, iron rods and Kirpans. They started causing injuries to his sister's son, Baltej Singh, Jagtar Singh and him with their respective weapons. When they caused injuries to him, he was sitting on the wall of Dharamshala. Accused caused injuries on his left arm. The police came at the spot. They along-with other persons of village picked up me and got admitted me in Civil Hospital Moga. Police recorded his statement at the hospital. All the accused are present in the court. But in his cross examination he has stated that none of the accused received any injury. He had taken english liquor at that time. After the first incidence function was not restarted. He got unconscious after receiving the injury. Police had come to the spot at about 8 PM. He further stated that he and Gurtej Singh were admitted in one ward again said he and Baltej Singh. He further stated that all the accused were also invited in that function. Previously first occurrence took place between Jugnu accused and Amandpreet PW.

14. Prosecution has further examined PW-4 Jagtar Singh. He has deposed that above one year 2 and half years ago there was a function in the house of his brother Shinder Singh. DJ has been installed in the said house. All the relatives were dancing in front of DJ. It was about 5 and half PM. Jugnu and Amanpreet Singh quarreled with each other on changing the song, then all the accused went away from the house by saying that they were coming back. Then after half an hour accused Mony Labha, Jagmeet and Jugnu. Lovely was also already present there. All the accused armed with roads and Kirpans. He identified all the accused in the Court. Then all the accused started beating Amanpreet Singh with their weapons. Accused also caused injury to him Harbans Singh and Baltej Singh with their respective weapons. Then his son Gursewak Singh took him to the Civil Hospital Moga at about 7:30 PM where he was medico-legally examined. But in his cross examination he has stated that Harbans Singh injured is his real brother. Amanpreet Singh is his nephew on maternal side and Baltej Singh is also his relative. The alleged fight lasted for about half hour. He did not throw any article lying in the function at the accused persons.

15. Prosecution has further examined PW-5 Dr. Aman Garg, Medical Officer, Civil Hospital, Moga. He has deposed that on 12.09.2017, he was working as an emergency Medical Officer at Civil Hospital Moga. On that day, he medico-legally examined patient Jagtar Singh S/o Shingara Singh R/o Talwandi Bangerian at around 7:30 PM who came with alleged history of assault. At the time of examination patient was conscious and oriented and vitals were normal. He found the following injuries on the person:-

1. Lacerated wound 3 cm x 1 cm x bone deep on left side of forehead, just below anterior. Fresh bleeding was present (KUO).Nature of Injury no. 1 was kept under observation Probable duration of injury No. 1 was recent. Kind of weapon for injury no. 1 blunt. Injury no. 1 which was kept under observation after X-ray examination is being declared as simple in nature vide X-Ray report No. AG/47/2017 dated 15.09.2017. He has brought the original MLR Register, Carbon copy of MLR is Ex PW5/A, pictorial diagram is Ex PW5/B, X-ray report is Ex PW5/C, supplementary report is Ex PW5/D. On the same day, he also medico Legally examined patient Harbans Singh S/o Shingara Singh R/o Talwandi Bhangarian at around 08:06 PM who came with alleged history of assault. At the time of examination patient was conscious and oriented and vitals were normal. He found the following injuries on the person :-

1. Lacerated wound 1 cm x 1 cm on left upper arm, laterally. Fresh bleeding was present. (KUO)
2. Lacerated wound 1 cm x 0.5 cm on left arm, laterally, in middle one third. Fresh bleeding was present. Deformity of upper arm was present. (KUO). Nature of injuries No.1 and 2 were kept under observation. Probable duration of injuries No. 1 and 2 was recent. Kind of weapon for injury no. 1 and 2 was blunt. Injury No. 1 and 2 which were kept under observation after X-ray examination are being declared grievous in nature vide X-ray report No. AG/49/2017 dated 15.09.2017. He has proved the MLR, carbon copy of MLR is Ex PW5/E, pictorial diagram is Ex PW5/F, X-ray report is Ex PW5/G, supplementary report Ex PW5/H. But in his cross examination he has deposed that he does not have the personal knowledge of the victim. He does not see identity proof of victim at the

time of X-rat. He further stated that possibility of injuries of both the patients by fall on hard surface cannot be ruled out. Police had never shown him any weapon of offence in this case. He did not record any statement separately regarding the detailed history of the injuries. He does not remember whether the clothes of the injured were blood stained or not. He did not take into possession the clothes of injured person. On the same day, he had also medicolegally examined patient named Lovejeet Singh S/o Baldev Singh R/o village Talwandi Bhangarian and he has seen and brought the original MLR no. AG/73/2017 dated 12.09.2017 and the copy of the same is Ex D1 and pictorial diagram is Ex D2. He did not conduct personally the X-rays of Harbans Singh and Jagtar Singh and the X-ray films were not developed by him.

16. Prosecution has further examined PW-6 ASI Raghuwinder Parshad. He has deposed that on 13.09.2017, he was posted at PS Mehna. On that day, he got information regarding admission of complainant Baltej Singh in Civil Hospital, Moga. He alongwith police party went to Civil Hospital Moga after receiving MLR. He met complainant Baltej Singh after obtaining his fitness certificate from Doctor and recorded his statement Ex P1 who signed the same after admitting it correct. Then he prepared police proceeding Ex PW6/A and send the same to police station on the basis of which FIR Ex PW6/B was registered. Then he recorded the statement of other injured of present case in the hospital. Then he alongwith the police party visited the spot. He took into possession motorcycle bearing no. PB29P-5921 vide memo Ex PW6/C. Then he prepared site plan of spot after inspection. After that investigation was marked to another IO. He recorded the statements of the witnesses. **But in**

his cross examination he has stated that It is correct that when he went to the Civil Hospital, Moga, at that time accused Lovejeet Singh alias Loverly was also admitted in Civil Hospital Moga. There were two injuries with blunt weapon on his person. He does not remember whether doctor gave him MLR of accused Lovejeet Singh Lovely or not. However, he can answer this question after perusing the police file But there is no MLR in the Judicial file. He further stated that he received the information from the MHC of the police station only on 13.9.2017 regarding the admission of Baltej Singh etc. in Civil Hospital, Moga. No document or any medical ruqa of Civil Hospital, Moga was given to him by the MHC on 13.09.2017. He received the information from MHC on 13.9.2017 at 6 PM. MHC at the same time has disclosed him that one fight had taken place in village Talwandhi Bhangarian. He further stated that he did not visit village Talwandi Bhangarian to collect any information regarding the fight before recording the statement of complainant Baltej Singh. Statements of the witnessed were recorded by him without any omission or addition. He did not take clothes of the injured.

17. Prosecution has further examined PW-7 ASI Surjit Singh. He has deposed that on 01.11.2017, he was posted at PS Mehna. On that day, he was investigating officer of present case. On that day, accused Parwinder Singh was arrested by him with permission of the court and arrest memo Ex PW7/A was prepared. Then on 05.11.2017 he arrested accused Jagmeet Singh vide memo Ex PW7/B who joined investigation in compliance of bail order. He produced before me stick vide memo Ex PW7/C. He recorded the statement of witnesses. He identified accused

Jagmohan Singh and Parwinder Singh in the Court. He also proved the case property which is stick MO1. But in his cross examination he has stated that he has only arrested the accused. He has not conducted any investigation in this case.

18. Prosecution has further examined PW-8 Pritam Singh. He has deposed that on 13.12.2017, he was posted as ASI at PS Mehna. On that day, accused of the present case namely Jugnu S/o Resham Singh r/o Singha Wala was joined into the investigation of the present case by him, after getting permission from Ld. Magistrate because accused had surrendered in the Court. He arrested the accused and regarding arrest of accused he prepared memo grounds of arrest Ex PW8/A witnessed by HC Davinderjeet Singh. He recorded statements of witnesses and remaining investigation was conducted by another IO. But in his cross examination he has stated that statement of witnesses were recorded without any omission or addition.

19. Prosecution has further examined PW-9 Dr. Suraj Bansal Medical Officer CH, Moga. He has deposed that on 12.09.2017, he was working as an emergency Medical officer at CH Moga. On that day he medicolegally examined patient Amanpreet Singh S/o Jora Singh R/o Talwandi Bhangaria at around 08.05 PM who came with alleged history of assault. At the time of examination patient was conscious cooperative and well oriented to time place and person. He found the following injuries on the person:-

1. Swelling 4 x2 cm present over right side of forehead with two above abrasion marks oval in shape 2 cm from midline. No fresh bleeding was present. (KUO)
2. Two lacerated wounds 2 x 0.5 cm parallel to each other present over parietal region of skull. Fresh bleeding was present. (KUO)

3. A lacerated wound 2 x 1.5 cm present over right occipital region of skull 1.5 cm from midline. Fresh bleeding was present. (KUO)
4. A lacerated wound 1.5 x 1 cm with surrounding swelling present over posterior aspect of lower 1/3 of right arm near elbow joint. Fresh bleeding was present. (KUO)
5. A lacerated wound 1 x 1 cm present over posterior aspect of left elbow joint. Fresh bleeding was present. (KUO)
6. Multiple bruise marks of variable length put over lateral aspect of right arm parallel to each other. (KUO).
7. A bruise mark oval in shape present over upper aspect of right shoulder.
8. A bruise mark oval in shape present over posterior aspect of upper 1/3rd of right forearm near elbow joint.
9. An abrasion mark 1.5 x 0.5 cm present over anterior aspect of right elbow joint. No fresh bleeding was present.
10. A swelling present over dorsal aspect of right hand in between thumb and index finger. (KUO)
11. An abrasion mark 4 x 0.2 cm present over dorsal aspect of right hand in between thumb and index finger. No fresh bleeding was present.
12. A swelling present over dorsal aspect of right hand 3rd and 2nd MCP joint. (KUO)
13. Multiple (6) bruise marks of variable length present over posterior aspect of right side of thoracic in T3-T6 thoracic region 8 cm from mid line.
14. Multiple (4) bruise marks of variable length present over posterior aspect of right lumbar region.
15. Multiple (3) bruise marks of variable length present over right scapular region over posterior aspect of right shoulder.
16. Two bruise patches oval in shape present over posterior aspect of thorax in mid line in T4-T7 thoracic region with above abrasion mark 1.5 x 1 cm. No fresh bleeding was present.
17. A bruise mark oval in shape present over anterior aspect of left shoulder.
18. Two abrasion marks 4x 0.2 cm present over anterior aspect of middle 1/3rd of left leg. No fresh bleeding was present.

The kind of weapon was blunt. Nature of Injuries no. 1 to 6,10,11,12 were kept under observation. After X-Ray examination the above said injuries were declared as simple vide X-Ray report SB(X-Ray)157 dated 13.09.2017. Injuries no. 7,8,9,13 to 18 were declared simple in nature vide MLR No. SB/304/2017 dated 12.09.2017. Today I have produced the

original MLR register (Via VC). Carbon copy of MLR is Ex.PW9/A, pictorial diagram is Ex.PW9/B, X-Ray report is Ex.PW9/C, supplementary report is Ex.PW9/D. On the same day, he also medicolegally examined Baltej Singh S/o Karnail Singh aged about 35 years male R/o Talwandi Bhangarian at about 08:10 PM who came with alleged history of assault. At the time of examination patient was conscious cooperative and well oriented to time place and person. He found the following injuries on the person:-

1. An incised wound 7x1.5 cm bone deep present over right frontal region right upper eyelid. Fresh bleeding was present. (KUO).
2. An incised wound 3 x 1 skin deep present over dorsal aspect of right hand between index finger and middle finger. Fresh bleeding was present. (KUO)
3. A swelling oval in shape present over parietal region near midline . (KUO)
4. A swelling present around left knee joint.(KUO)
5. A abrasion mark 18x0.3 cm present over posterior aspect of right side of trunk in T4-T8 thoracic region 4 cm from mid line.
6. multiple bruise marks of variable length present over posterior aspect of left side of trunk in T1-T5 thoracic region 6 cm from mid line.
7. A bruise mark 6 x 1.5 cm with above abrasion mark 1.1 cm present near left axillary region over left side of chest in posterior aspect 8 cm from mid line.
8. A bruise mark 8 x 1.5 cm present over posterior aspect of middle 1/3rd of right thigh.

Injuries no. 1,2,3 and 4 were kept under observation. After X-Ray examination injuries no. 1,2 and 3 were declared simple in nature and injury no. 4 declared grievous in nature vide X-Ray report SB(X-Ray),158 dated 13.09.2017. He has produced the original MLR register (Via VC). Carbon copy of MLR is Ex.PW9/E, pictorial diagram is Ex.PW9/F, X-Ray report is Ex.PW9/G, supplementary report is Ex.PW9/H. He identified his signatures on all the above mentioned reports. But in his

cross examination he has stated that possibilities of injuries mentioned in MLR can be caused by accident or fall on hard surface cannot be ruled out. Possibility of injuries like bruise and abrasions as mentioned in the MLR can be caused with friendly hand cannot be ruled out. Police has not shown him the weapon of offence in this case. Either he does not remember the same. He did not record the statement of patient regarding the case history. He did not take the clothes of patient into his custody. He did not click the photographs of the injuries. However, pictorial diagrams shows injuries. He has sent the medical ruqa to the police station at the time of admission of the injured. Neither he has seen the said ruqa on the judicial file nor the medical fitness certificate on the judicial file.

20. Prosecution has also examined PW-10 HC Lakhwinder Singh. He has deposed that on 01.11.2017, he was posted at PS Mehna. On that day accused Parwinder Singh alias Labha S/o Sukhdev Singh R/o Talwandi Bhangarian was arrested with the permission of Court. The accused was identified by complainant Baltej Singh in his presence. Vide memo Ex PW10/A witnessed by him and signed by complainant Baltej Singh and accused Parwinder Singh. He was arrested vide memo Ex PW7/A. But in his cross examination he has stated that he does not know any other fact about the case except the identification and arrest of accused Parwinder Singh.

21. Prosecution has further examined PW-11 SI Raj Singh. He has stated that on 13.09.2017, he was posted at PS Mehna. On that day he was posted at PS Mehna when statement of complainant Baltej Singh Ex P1 along-with police proceeding Ex PW6/A was received on the basis of which FIR Ex PW6/B was registered by him.

On 12.12.2017, the investigation of the present case was entrusted to him. On 03.01.2018, he arrested accused Manpreet Singh vide memo Ex PW11/A witnessed by HC Ramesh Kumar in view of bail order of Hon'ble High Court. The accused was released on bail after finishing bail bonds. On 19.02.2018, accused Lovejeet Singh @ Lovely surrendered in the Court of Shri Supinder Singh the then JMIC, Moga and he was arrested after obtaining the permission of Hon'ble Court. In this regard arrest memo Ex PW11/B was prepared witnessed as above. After completion of investigation challan was presented by SI Palwinder SHO PS Mehna, whose signature he identified. He identified the accused in the Court. But in his cross examination, only suggestion was given to him.

22. Prosecution has further examined PW-12 Kulwant Singh Radiographer, Civil Hospital, Jagraon. He has stated that he has brought original X-ray register in the Court. As per his record at entry number 735 dated 13.09.2017 Baltej Singh S/o Karnail Singh R/o Talwandi Bhangeria, Moga, at entry no. 736 dated 13.09.2017 Amanpreet Singh S/o Gora R/o Talwandi Bhangeria, Moga and at entry number 744 on 14.09.2017 Jagtar Singh S/o Shingara Singh R/o Talwandi Bhangeria, Moga, at entry no. 745 on 14.09.2017 Harbans Singh S/o Shingara Singh R/o Talwandi Bhangeria, Moga. X-Ray of above said patients were done by him in the supervision of Dr. Suraj Bansal and Dr. Aman Gar. Original X-Ray films are attached with the judicial file which are Ex PW12/A to Ex PW12/D. Photo copy of relevant entries of X-ray register is Ex PW12/E. But in his cross examination he has stated that it is correct that he is not aware of the facts of the case. He does not know the parties personally.

23. On the other hand, in defence the accused has examined DW-1 Baljeet Singh. He has stated that he is resident of above noted address and is running as DJ operator. About five years back he went to village Talwandi Bhagerian on the call of one Harpal Singh. There was function regarding the birth of his son in that house. There was 300 persons were present in the house of Harpal Singh. Hard drinks i.e. whisky etc and non veg was served to all the guest. Most of the boys were drunker condition. At about 01:00/01:30PM two boys scuffled with each other and one boy slapped the other on this position became very serious and meanwhile brick bats started throwing each other. One brick bat hit against one person whose name he came to know later as Lovejit Singh this brick bat hit on his head and blood started oozing on that injury. He was taken to Civil Hospital Moga by two persons. This lovejit Singh who was injured is present in the court and he identified him. After this occurrence he left the seen with his luggages. But in his cross examination he has stated that he does not know accused Jugnu of this case. Name of Lovejit Singh came to know at the spot when people saying that Lovejeet Singh has injured. He does not know who slapped to whom. He does not remember that some persons left the spot after slapping by saying that they will return after some time. After first occurrence he left the spot. It took me 30 to 45 minutes to pack his luggage. He does not know that some persons came after about half and hours with kirpan, bat and iron road at the spot. He came to know in the evening some persons cause injuries to the people present in the function. He does not know any person in the function except

Harbans Singh who engage him to play the DJ. He does not know who caused injury on the person of Lovejit Singh with brick bats. He has not informed any body regarding the said occurrence. He is not a summoned witness. He depose at the instance of Lovejit Singh. It is wrong to suggest that accused present in the Court to cause injury to Jagtar Singh, Baltej Singh, Amanpreet Singh and Harbans Singh. Accused Lovejit Singh used to say to accompany him to police station to depose real facts as he is falsely implicated in the present case but due to paucity of time he could not accompanied him. He further stated that that he asked him 5-6 times and he has not time to accompany him for all these 5-6 times. Lovejit Singh is resident of his neighbourer village.

24. After hearing rival contentions of Ld. APP for the State and ld. Defence counsel, I have minutely analyzed the record placed on file with their able assistance.

25. Having this view of the matter, it would be pertinent to refer to some of the important facts of the case as unfolded in the story put forth by the prosecution. Perusal of challan submitted U/s 173 Cr.PC reveals that MLR bearing number Ex PW5/A of injured Jagtar Singh (PW-4), MLR Ex PW5/E of injured Harbans Singh(PW-3), MLR Ex PW9/A of injured Amanpreet Singh(PW-2), MLR Ex PW9/E of injured Baltej Singh (PW1) was received in the police station on 13.09.2017 because on dated 12.09.2017, the Complainant alongwith other injured persons have not recorded their statement to any police official and admitted into the hospital by their relatives.

26. In order to comprehend the controversy, it would be pertinent to briefly recapitulate the version of prosecution as well as defence side. Right from the inception of trial, it is categoric case of the prosecution that on the date of occurrence 12.09.2017, complainant Baltej Singh went to village Talwandi Bhangarian to attend the function in the house of his Mother's Sister (Massi) and all the injured persons and all the accused persons, also came to attend the function in the house of his Mother's Sister (Massi). At about 6.00 P.M, D.J was being played in the house of his Massi. All the relatives were dancing. Accused Jagmeet Singh @ Meeta, Lovejeet Singh @ Lovely, Lovepreet Singh, Jugnu @ Gurjeevan Singh, Mani @ Manpreet Singh were also dancing before the D.J. Verbal quarrel took place between above said persons and their relative Amanpreet Singh. All the accused started quarreling with Amanpreet Singh. They consoled accused and Amanpreet Singh. Accused also slapped Amanpreet Singh. He further stated that all the accused went away from the spot by saying that they will come back and will see him. Then after 30 minutes, above said accused along-with 5/6 persons came on motorcycle. All the accused were armed with Kirpan, Baseball bat and Iron Rods. After coming at spot, all the accused started causing injuries to the Amanpreet Singh with their respective weapons. When he came forward to rescue him, Lovejeet Singh who was armed with Kirpan gave kirpan blow on his forehead. Then again he gave a kirpan blow on his right hand. Accused also caused injuries on his leg with their respective weapons. Accused also caused injuries to Harbans Singh, Jagtar Singh with their respective weapons. People gathered there, who rescued them from the accused persons. Then all the accused ran away from the spot

with their respective weapons. He further stated that all the accused also left their one motorcycle at the spot. Due to the verbal quarrel with the accused and Amanpreet Singh, all the accused caused injuries to them. Then they were shifted to Civil Hospital Moga where they were medicolegally examined. On the next day, police came in the hospital and recorded his statement. He has seen his statement Ex.P1, it bears his signature at Point A. The motive behind the occurrence was that D.J. Verbal quarrel took place between above said persons and their relative Amanpreet Singh. All the accused started quarreling with Amanpreet Singh. They consoled accused and Amanpreet Singh. Accused also slapped Amanpreet Singh and due to this reason, they had caused injuries to them but Learned counsel on behalf of all the accused stated that the that they are innocent and have been falsely implicated in the present case. He further stated that no incident took place as alleged by the complainant. They never caused any injuries to complainant and other injured witnesses. Therefore, Complainant Baltej Singh got registered the present FIR against all the accused persons by concocting a false story. To my mind, it has been rendered apparently clear, in view of the version that occurrence has been taken place.

27. Further, learned different counsel on behalf of appearing for all the accused persons has submitted that there has been delay in lodging the FIR and sending the copy of the FIR to the court. Therefore, the prosecution failed to give a fair picture with regard to genesis of the crime. It is pertinent to mention here that on being approached by Investigating Officer, the doctor on duty sent the M.L.R of the complainant alongwith other injured witnesses to the police station

Mehna. Although on 12.09.2017, as per the version of the complainant and the other eye witnesses who are injured also stated in their evidence recorded before the Court that police came at the spot of occurrence after one hour but did not record the statement of any one and sent them to the hospital and no inquiry was made by the police at that time. Thereafter, the police never went to the Civil Hospital, Moga till 13.09.2017 i.e. the date of registration of FIR. In view of the afore- mentioned facts and circumstances, it is apparently clear that delay in the present case can not fatal the prosecution. Even otherwise, it is a settled law that **delay ipso facto** is not fatal for the case of prosecution. Rather, its effect is to be seen in the light of other facts and circumstances brought on record by both the sides.

28. To my mind, Prompt and early reporting of the occurrence by the informant (complainant) with all its vivid details gives an assurance regarding its true version. In case, there is some delay in filing the FIR, the complainant must give explanation for the same and Undoubtedly, delay in lodging the FIR does not make the complainant's case improbable when such delay is properly explained. However, deliberate delay in lodging the complaint may prove to be fatal. In this very particular case of delay, it also cannot be presumed that the allegations were an after thought or had given a coloured version of events. The court has to carefully examine the facts before it, for the reason, that the complainant party may initiate criminal proceedings just to harass the other side with mala fide intentions or with ulterior motive of wreaking vengeance. The court proceedings ought not to be permitted to degenerate into a weapon of harassment and persecution. In such a case, where an FIR is lodged

clearly with a view to spite the other party because of a private and personal grudge and to enmesh the other party in long and arduous criminal proceedings, the court may take a view that it amounts to an abuse of the process of law. But in this very particular case. Learned defence counsel has asked many question to the prosecution witness or to the complainant regarding delay of FIR. Even suggestion has been put to every prosecution witnesses regarding delaying of FIR. It is pertinent to mention here that complainant Baltej Singh had recorded his statement on dated 13.09.2017 when police went to the hospital and it is not his fault if the FIR was registered after 27 hours of the occurrence.

29. In the instant case, the occurrence took place at about 6 p.m. on 12.09.2017. The occurrence had taken place in village Talwandi Bhangarian and complainant Baltej Singh and his relatives had injured in this occurrence. They were shifted to the hospital. So, after making all these arrangements, but in the hospital when police had came to record their statement on dated 13.09.2017, then they all recorded their statements on that day. In view of the above, this court has reached an inescapable conclusion that there is no delay in lodging the FIR with the police in this case.

30. Learned counsel for all the accused has argued that no independent witness qua alleged occurrence has been examined by the prosecution while testimony of PW-2 Amanpreet Singh, PW-3 Harbans Singh and PW-4 Jagtar Singh being family members of the complainant and are also injured witnesses cannot be taken into consideration. I find force in the contention of learned defence counsel that PW-2 Amanpreet Singh, PW-3 Harbans Singh and PW-4 Jagtar Singh being relatives of

complainant Baltej Singh are interested witnesses. No doubt, these witnesses are also injured witnesses and eye witnesses of the occurrence but they all narrated different story regarding the occurrence in their statements.

31. Learned counsel for all the accused has argued that accused persons have been falsely implicated in the present case. While arguing this point, he referred the testimony of Baltej Singh complainant who has stated in his statement that all the accused were also dancing with his relatives before the D.J and verbal quarrel took place between above said persons and his relative Amanpreet Singh and when they started quarreling with Amanpreet Singh, then accused also slapped Amanpreet Singh and went away from the spot and thereafter, all the accused persons alongwith 5 to 6 unknown persons came on motorcycle after 30 minutes, who were armed with kirpan, base ball, bat and iron rods and they started causing injuries to all the injured witnesses as per his statement. On the other hand, Amanpreet Singh, who is also injured in this case, who has been stepped into witness box as PW-2 has specifically stated in his statement that all the relatives were dancing before the D.J. his sister's son namely Sunny went before D.J for changing a song. Accused Jugnu pushed his sister's son Sunny and also caught him from the neck. When he tried to console accused Jugnu, then he slapped at the face of Laddi, who is his father's elder brother (Taya) son. Accused Jagmeet Singh, Lovely, Jugnu, Mani, Labha were also present at the spot. Then all the accused left the spot by saying that they will come back shortly and will see them. Then all the above said accused came back after 30 minutes. They were armed with Kirpan, Baseball bat, and Iron Rods. Accused were also came

at the spot along-with 7/8 unknown persons. Meaning thereby both these injured persons have stated contradictory statement regarding the motive of occurrence and their story are totally different as stated by them and as such, much reliance cannot be placed upon their testimony.

32. Secondly, all the injured persons as well as the complainant have stated specifically in their statements before the Court that all the accused persons were armed with kirpan, base ball bat and iron rods, whereas after perusal of all the prosecution witnesses, it has come on record that no such weapons were produced in the Court by the prosecution agency qua the reasons best known to him. Moreover, in the evidence of ASI Surjit Singh, who stepped into the witness box as PW-7, stated that he has seen the case property i.e. stick in the Court. However, it is pertinent to mention here that none of the injured witnesses have stated in their statement that stick was ever been used by any of the accused for the purpose to cause injury. Rather, they stated again and again that all the accused persons were armed with Kirpan, base ball bat and iron rods. So, the prosecution has failed to explain this fact that when the injuries were caused by using Kirpan etc. then, why such Kirpan has not been produced and why the stick has been produced in the Court.

33. Thirdly, all the injured witnesses alongwith complainant have stated in their statements before the Court that they have attended the function of the grand sons of the maternal uncle of Amanpreet Singh and occurrence took place on the issue of changing a song before D.J. PW-3 Harbans Singh in his cross examination has specifically admitted this fact that number of persons were making movies of the function on their mobile phones. This Court is of the considered and firm view that the

occurrence took place in the function, then why the investigating agency has not collected the videography of such function or any movie made on the mobile phone for the purpose to clear and prove this fact that in such occurrence, all the accused present in the Court have caused injuries to the complainant and other injured persons. The prosecution has failed to explain this fact through cogent and convincing manner. By saying this fact by the complainant that no videography/photography was being done at the time of function, is out of the mind of the Court and this fact creates a doubt in favour of all the accused

34. Fourthly, further turning to the facts of the present case, all the injured witnesses have specifically stated in their statements recorded before the Court that all the accused persons were armed with Kirpan, Base ball bat, and Iron Rods. Accused were also came at the spot along-with 7/8 unknown persons. Meaning thereby, except present all the accused persons, there were also 6 to 7 unknown persons were present who had caused injuries to the complainant and other injured witnesses but neither the investigation agency has taken this fact into its investigation nor prosecution has explained this fact in detail against these unknown persons. Moreover, no test identification parade was conducted regarding the identity of any of the accused person by the complainant and other injured persons. Complainant Baltej Singh has stated in the initial lines of his cross examination that police got identification parade of the accused Parwinder Singh from him but he do not remember the date and the name of the police person, who got conducted identification parade of the accused whereas in his further cross examination which was conducted by Sh. Lovelesh Gupta on behalf of Manpreet Singh and

Jugnu. That no identification parade of the accused persons were got conducted from him by the police. Even physical appearance of unknown persons were not mentioned by him in the statement i.e. Ex P1. Out of those 5 to 6 unknown persons police arrested 5 persons and those are the accused present in the Court. Meaning thereby no test identification parade of any of the accused was conducted by the police. Further more all the witnesses alongwith complainant himself admitted in their statement before the Court that the name of all the accused persons were told to them by Rani Kaur and Chhinder Singh. Meaning thereby, all the injured witnesses and complainant were not aware about the identity of all the accused persons. Rather, Chhinder Singh and Rani Kaur told them about their names. Meaning thereby, there is doubt that all the accused present in the Court were those persons who had caused injuries to the complainant and other injured witnesses because as per their statements, some 6 to 7 unknown persons were also present with the present all accused. It is pertinent to mention here that all the accused present in the Court were also unknown to the complainant and other injured witnesses but their identity has disclosed to them by Chhinder Singh and Rani Kaur. This Court has failed to understand that why the investigation agency has not joined Chhinder Singh and Rani Kaur as independent witnesses/eye witnesses of the occurrence in the present trial. No doubt, occurrence was took place because one of the accused Lovejeet Singh was also got injured in that occurrence but the prosecution has failed to prove this fact whether the injuries to the complainant and all other injured witnesses were caused by the present all the accused or by the another 6 to 7 unknown persons

regarding which the prosecution is silent qua the reasons best known to him.

35. Fifthly, the prosecution has stated that all the accused in furtherance of common object being unlawful assembly committed house trespass by entering into the house of Harpal Singh after having made preparation for causing hurt to complainant party. But the prosecution has failed again to explain this fact that why the owner of such house Harpal Singh was not cited as a witness in the trial to depose this fact that occurrence took place in his house. Moreover, the prosecution has also failed to place on record any ownership document in the name of Harpal Singh of such house. The testimony of all the prosecution witnesses not corroborated with prosecution story. Even accused persons did not deny their presence at the time and place of occurrence as accused Lovejeet Singh also got injured in such occurrence. Hence, testimony of all the prosecution witnesses alongwith complainant can be discarded because there is doubt that whether all the present accused had caused injuries to the complainant or other injured witness or the other 7 to 8 unknown person because no test identification parade got conducted by the police and identity of all the accused was disclosed to the complainant and other eye witnesses by Chhinder Singh and Rani Kaur.

36. Even otherwise, the Hon'ble Supreme Court in cases titled as case titled as as **Zahira Habibulla H. Sheikh Vs State of Gujarat (2004) 4 SCC 158, (2) Mohanlal Shamji Soni Vs Union of India AIR 1991 SC 1346** and further in **Five Judges Bench** in land mark case titled as **A.R. Antuley Vs R.S. Nayak 1992(1) SCC 225**, has held that **right to speedy trial is the fundamental and constitutional right**

of the accused as enshrined in Article 21 of the Indian Constitution. No person has vested right to prolong the trial on one pretext or the other and every trial must be completed within a limited period. Speedy trial is in public & social interest. It is in the interest of all concerned that the guilt or innocence of the accused is determined as quickly as possible in the circumstances. The right to speedy trial encompasses all the stages namely stage of investigation, inquiry, trial, appeal, revision and retrial. **No person has vested right to use the judicial process as an instrument of oppression or for harassment.**

37. As per Section 101 the Indian Evidence Act a duty is placed on the prosecution to prove the guilt of the accused beyond the shadow of reasonable doubt and this duty never shifts. Thus, the prosecution was duty bound to prove that all the accused have caused injuries to the complainant and other injured witnesses. From the entire evidence led on the file, I find that all the accused have been eloped in the present case on the basis of disclosed their name by Chhinder Singh and Rani Kaur.

38. Further the contention raised by learned defence counsel that all the accused persons have been falsely implicated in the present case has been duly proved upon record by the defence counsel. In these circumstances, the possibility of false implication of all the accused persons in the present case cannot be ruled out.

39. Still further, in the present case, case property I.e Kirpan, base ball, iron rods as weapon which were used for the purpose to cause injuries to the person of Baltej Singh and other injured witnesses has not been produced in the court. Meaning thereby, the presence of all the

accused persons was not suspicious on the day of alleged occurrence at the spot of occurrence but it is suspicious that whether all the present accused have caused injuries to the complainant and other.

40. So far as the contention of the learned defence counsel that the all the accused have been falsely implicated in the present case is concerned, the same is also based upon merit because the prosecution has not brought any evidence to falsify or disprove the version of the defence.

41. It is a cardinal principle of criminal jurisprudence that in a criminal trial, the prosecution is enjoined with a duty to prove its case against the accused beyond the shadow of the reasonable doubt. It is not sufficient in a criminal trial that a case may be true, but it must be true. Between '*may be true*' and '*must be true*', there is inevitably a long line of distance which must be traveled on legal, logical and unimpeachable manner. The analytical appraisal of the entire material and evidence on record leads the Court to an inescapable conclusion that the prosecution, in present case, has not duly/successfully substantiate its case against all the accused beyond shadow of reasonable doubt.

42. After weighing of the evidence of both the sides, this court is of the considered opinion that all the accused have successfully been able to defend themselves by punching holes in the case of the Prosecution by cross- examination of the Pws. Despite putting in best of evidence forward, the Prosecution could not take a leap big enough to bring home the guilt of all the accused.

43. Hence, keeping in view aforesaid discussion and taking into account the cumulative effect of all the aforesaid infirmities in the

prosecution witnesses, the prosecution has failed to establish a clear guilt on the part of all the accused persons regarding commission of offence under sections 452,324,325,323, IPC read with section 148/149 of IPC beyond shadow of doubt. Accordingly, all the accused persons namely Jagjit Singh, Parwinder Singh alias Lovepreet Singh, Manpreet Singh, Gurjiwan Singh and Lovejeet Singh are acquitted of the charges framed against them. They are set at liberty. Their bail and surety bonds stands discharged. Case property, if any, be destroyed after the expiry of period of appeal or revision if any. However, all the accused are directed to furnish bail bonds/surety bonds in the sum of ₹ 50,000/- with one surety each in the like amount each U/s 437A of Cr.p.c. File be consigned to Judicial Record Room, Moga.

Pronounced in open Court.

Dated 07.01.2023

Raj Kumar, Stenographer G-I

(direct dictation on computer)

Poonam Kashyap, PCS,
Judicial Magistrate Ist Class,
Moga. UID No. PB0561

Present: Sh. Gurdeep Singh, Learned APP for the State.
Accused Gurjiwan Singh @ Jugnu on bail with counsel
Shri Lovelesh Gupta, Advocate.
Accused Lovejeet Singh on bail with counsel Shri K.K.
Mittal, Advocate.
Accused Jagjit Singh @ Jagmeet Singh @ Meeta,
Manpreet Singh and Parvinder Singh Labha @
Lovepreet Singh on bail with counsel Sh. K.S.Gill,
Advocate.

Defence evidence closed. Arguments heard. Vide my separate
detailed Judgment of even date, all the accused persons namely Jagjit
Singh, Parwinder Singh alias Lovepreet Singh, Manpreet Singh, Gurjiwan
Singh and Lovejeet Singh are acquitted of the charges framed against
them. They are set at liberty. Their bail and surety bonds stands
discharged. However, all the accused are directed to furnish bail
bonds/surety bonds in the sum of ₹ 50,000/- with one surety in the like
amount. Accused Parvinder Singh and Jagjit Singh moved application for
grant of some time to furnish bail bonds/surety bonds. They are directed
to furnish personal bonds in the sum of ₹ 50,000/- each, personal bonds
furnished. They are directed to furnish bail bonds/surety bonds within one
week. Remaining accused furnished bail bonds/surety bonds which have
been accepted and attested. Case property, if any, be destroyed after the
expiry of period of appeal or revision if any. File be consigned to Judicial
Record Room, Moga.

Pronounced in open Court.

Dated 07.01.2023
Raj Kumar, Stenographer G-I
(direct dictation on computer)

Poonam Kashyap, PCS,
Judicial Magistrate Ist Class,
Moga. UID No. PB0561