

PBGDA10000872019



Presented on : 09-01-2019
Registered on : 09-01-2019
Decided on : 09-07-2025
Duration : 6 years, 6 months, 0 days

**IN THE COURT OF
Judicial Magistrate - Ist Class
AT Batala, Gurdaspur
(Presided Over by Sh. Randeep Kumar)**

CHI/12/2019

S T A T E

Versus

1. Gurbachan Singh son of Bakshish Singh,
2. Jaswinder Kaur wife of Gurbachan Singh,
3. Inderjit Singh son of Gurbachan Singh (declared proclaimed vide order dated 02.07.2025).

All residents of Village Chirchrawala, Tehsil Patran, District Patiala.

..... Accused

FIR Number: 34 of 24.03.2018
Police Station: Shri Hargobinderpur, Batala
Under Section: 498-A IPC

Present: Ld. APP for the State, assisted by Sh. S.S. Sandhu, Advocate counsel for complainant.
Accused Gurbachan Singh and Jaswinder Kaur alongwith counsel Sh. Deepak Mohna, Advocate.
Accused Inderjit Singh declared proclaimed vide order dated 02.07.2025.

JUDGMENT:

(Randeep Kumar),
JMIC, Batala/UID no. PB0465)

The above named accused have been sent to face trial by the Station House Officer of Police Station Shri Hargobinderpur, Batala for commission of offence punishable U/s 498-A of Indian Penal Code.

2. In brief, the facts of the prosecution case are that the present case was registered on the application moved by complainant Jatinder Kaur wife of Inderjit Singh daughter of Tarsem Singh, resident of Aulakh Kalan, Tehsil Batala, District Gurdaspur to the SSP, Batala to the effect that she is resident of above said address and her marriage was solemnized with Inderjit Singh son of Gurbachan Singh resident of Village Chicherwaal, District Patiala on 28.08.2011, as per the sikh rites and rituals. She further stated that out of the said wedlock, one female child has been born. She further stated that at the time of marriage her parents had given sufficient dowry articles to her in-laws family beyond their approach and also given gold ornament to her husband and her in laws family. She further stated that after few days from marriage, her in-laws have taken about Rs.4,00,000/- from her parents. She further stated that her husband Inderjit Singh started harassing her for bringing more dowry articles and he did not pay her any household expenses. She further stated that her husband had also beaten to her and thrown her out of her matrimonial home alongwith her daughter. She further stated that her husband is having illicit relation with other girls. Thus, the compalainant prayed for taking action against the accused.

3. On the basis of this complaint, present FIR was registered.

Investigation of the case was rolled into motion. During investigation, accused were arrested. Statements of witnesses were recorded. Ultimately, on completion of investigation, an investigation report under section 173 Cr.P.C. was presented in the court against accused persons.

During the pendency of the case, accused Inderjit Singh was declared proclaimed person vide order dated 02.07.2025.

4. On presentation of the Challan, the accused were supplied with copies of the documents free of costs as envisaged under section 207 Cr.P.C.

5. From the perusal of report under Section 173 Cr.P.C, prima facie offences under Section 498-A IPC was found to have been made out against the accused. Accordingly, charge under the said Sections of IPC was framed against the accused and the contents of the charge were read over and explained to the accused in simple language, to which they pleaded not guilty and claimed trial and the case was posted for prosecution evidence.

6. In order to substantiate its case, the prosecution examined following witnesses

PW-1 Jatinder Kaur, complainant in her examination-in-chief has deposed on the lines of his complaint/ statement Ex.PW1/A which need not be repeated here for the sake of brevity. She stated in her cross-examination that her marriage was taken place in Gurudwara Sahib of his village Aulakh Kalan, District Gurdaspur in a simple manner. She further

stated that at the time of her marriage 10 persons of her in law side and 15 person from her side attended the marriage ceremony at her home. She further stated that it is correct that no dowry article or ornaments were given to her in-laws family by her parents. She further stated that soon after of her marriage, she shifted to Barnala with her husband in rental house. The attention of the witness is drawn towards the judicial file on the document which is Ex.PW1/A. She further stated that her first complaint against her husband and his family members was filed by her on the asking of her family friend. She further stated that it is correct that her husband as well as his family member never demanded dowry or given beating to her. She further stated that it is correct that their temperament was not matching and therefore, dispute arose between them on petty issues. At that point of time, this witness was allowed to be re-examined on the request of learned APP for the State and she turned hostile and thereafter, Ld. APP for the State was allowed to be cross-examine the witness in order to confront her with her earlier statement recorded before the police. However, despite conducting lengthy cross-examination upon her by learned APP for the state, nothing favouring prosecution agency could be elicited from his mouth. Thus, she was declared hostile.

Similarly, the other witnesses namely PW2 Tarsem Singh (father of the complainant) fully corroborated the version of complainant and was also declared hostile.

PW3 Tarsem Singh, Head Granthi at Gurudwara Sahib has deposed and proved on record marriage certificate of the complainant Ex.PW1/J.

PW4 Retired Inspector Balwinder Singh has deposed and proved on record FIR Ex.PW4/A and rapat Ex.PW4/B.

7. Thereafter, prosecution failed to conclude his entire evidence, hence, same stands closed by order vide order dated 05.07.2025.

8 On completion of prosecution evidence, statement of the accused under Section 313 Cr.P.C. was recorded vide which, the entire incriminating evidence appearing against the accused was put to him. While denying the version of prosecution, accused raised the plea that he has been falsely implicated in the present case. Accused did not prefer to lead evidence in defence.

9. I have heard the arguments advanced by learned APP for the State as well as of learned defence counsel and have also gone through the entire prosecution evidence on record.

10. In the present case, the star witness of the prosecution is PW1 complainant Jatinder Kaur, but she did not support the prosecution case at all and turned hostile. Similarly, other material witness i.e. PW2 Tarsem Singh also turned hostile.

11. Since, the material witnesses did not support the prosecution version, so, they were declared hostile on the request of learned APP for the state and Ld. APP was allowed to cross examine these witnesses, but nothing fruitful could be extracted from them despite their lengthy cross-examination.

Thus, there is no evidence on record which could connect the present accused with the commission of the offence in question as the material witness, named above, have turned hostile and did not support the prosecution case and were declared hostile on the request of learned APP for the state.

12. Hence, in view of discussion made above and the facts and circumstances of the case, this Court is of the considered opinion that the prosecution has miserably failed to prove its case against the accused persons beyond reasonable shadow of doubt and also failed to establish their identity on record. Therefore, this court has no option except to acquit the accused from the charges framed against them in this case. As such, the accused are acquitted of the charges framed against them in this case. File be consigned to the record room, Batala.

Announced
09.07.2025

(Randeep Kumar),
Judicial Magistrate Ist Class,
Batala. (UID No.PB0465)

Kanchan, Stenographer Gr.II

Note : All the pages of this judgment have been dictated, checked and signed by me.

(Randeep Kumar),
Judicial Magistrate Ist Class,
Batala. (UID No.PB0465)

(Randeep Kumar),
JMIC,Batala/UID no.PB0465)

Present: Ld. APP for the State, assisted by Sh. S.S. Sandhu, Advocate counsel for complainant.
Accused Gurbachan Singh and Jaswinder Kaur alongwith counsel Sh. Deepak Mohna, Advocate.
Accused Inderjit Singh declared proclaimed vide order dated 02.07.2025.

Statement of accused under Section 313 Cr.P.C. recorded.

Bonds under Section 437(A) Cr.P.C. has been furnished, which are accepted and attested.

Arguments heard. Vide my separate detailed judgment of even date, accused persons have been acquitted of the charges framed against them in this case. Their bail bonds and surety bonds are discharged. The case property, if any, be dealt with as per the rules, after the expiry of period of limitation for filing appeal/revision. The file be consigned to the record room and same be put up as and when accused Inderjit Singh appeared/ surrendered or brought before the court.

Announced
09.07.2025

(Randeep Kumar),
Judicial Magistrate Ist Class,
Batala. (UID No.PB0465)

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