



**IN THE COURT OF ASHISH THATHAI, PCS,
ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
RUPNAGAR (UID No.PB-0355).**

Police Challan No.120/2025
Date of Presentation of Challan:10.03.2025
CIS No.CHI/120-2025
CNR No.PBRO03-000831-2025
Date of Decision:21.03.2025

S T A T E

Versus

1. Gurpreet Singh, son of Nachattar Singh, resident of village Dhanauri, P.S. Sadar Morinda District Rupnagar.
2. Nachattar Singh, son of Sewak Singh, resident of village Dhanauri, P.S. Sadar Morinda District Rupnagar.
3. Amanpreet Singh, son of Gurpreet Singh, resident of village Dhanauri, P.S. Sadar Morinda District Rupnagar.
4. Sukhwinder Kaur, wife of Gurpreet Singh, resident of village Dhanauri, P.S. Sadar Morinda District Rupnagar.

.....Accused

FIR No.24 dated 08.05.2024
Under Sections:452, 324, 323, 506, 34 IPC
Police Station:Sadar Morinda.

Present:- Ms.Sonia Gupta, learned APP for the State.
Accused Gurpreet Singh, Nachattar Singh, Amanpreet Singh and Sukhwinder Kaur on bail with counsel Sh.Aman Kumar Advocate.

JUDGMENT:-

1. The above said accused persons have been sent up by SHO, Police Station City Morinda to face trial under Sections 452, 324, 323, 506, 34 of Indian Penal Code (*hereinafter referred to as IPC*).

2. The brief prosecution matrix is that on 05.05.2024, one medical ruqa was received from Civil Hospital Morinda with regard to admission of injured Balwinder Singh son of Gurbachan Singh, resident of village Dhanauri, P.S. Sadar Morinda and requested to send Investigating Officer. Upon this, ASI Surinder Singh (*hereinafter referred as Investigating Officer*) along with other police official went to Civil Hospital Morinda to obtain statement of Balwinder Singh and a written request was given to the doctor to obtain the statement of the injured and doctor declared the injured fit to give a statement. Accordingly, complainant Balwinder Singh stated that he will record his statement after receiving his medical reports and X-ray reports. Then on 07.05.2024, Investigating Officer reached Civil Hospital Morinda to obtain the statement of injured Balwinder Singh but his statement could not be recorded as his health was not good. On 08.05.2024, upon receiving the MLR No.MSP/17/2024 of injured Balwinder Singh and MLR No.MSP/20/2024 of injured Davinder Singh son of Surjit Singh, Investigating Officer along with other police officials went to Civil Hospital Morinda to obtain the statements of the aforementioned injured's. Accordingly, statement of Balwinder Singh was got recorded to the effect that he work in agriculture. On 03.05.2024, at around 6.00 PM, there is a government drain near his house, which goes from his house towards Nachhattar Singh's property through the drain into a pond. Nachhattar Singh often breaks the drain by removing bricks, due to which the drain water accumulates in the government street and due to which the

general public faces difficulty in passing. Complainant has requested Sarpanch Dilbar Singh several times to get the bricks installed on the drain, who said that the election Code of Conduct is in place, so he cannot get the bricks installed and complainant should get the bricks installed himself. Complainant were getting the bricks and cement installed on the drain with the help of Happy Panch of village Dhanori, when their neighbor Gurpreet Singh @ Lala son of Nachattar Singh, who was holding iron Tangri along with his son Amanpreet Singh who was holding Gandasa, Nachattar Singh son of Sewak Singh who was holding Kahi and Sukhwinder Kaur wife of Gurpreet Singh started pulling out the bricks, who were stopped by Sarpanch Dilbar Singh and Panch Happy. Complainant told them to let the bricks and cement be applied so that the drain water doesn't flow into the street. Then Gurpreet Singh and his son Amanpreet Singh came in a rage and started verbally abusing him and started beating him. Complainant ran to his house from the scene and when he was closing the gate of his house then Gurpreet Singh, Amanpreet Singh and Nachhattar Singh, all three pushed the gate open and entered in his house. Amanpreet Singh, holding a Gandasa struck the complainant, which hit on his left bicep and Gurpreet Singh, holding a Tangri, struck the complainant, which hit the ring finger of his left hand. Then, in order to save the complainant, Davinder Singh son of Surjit Singh came forward and Nachhattar Singh who was holding the Kahi in his hand, struck the complainant with the Kahi, then complainant immediately stepped back, which caused Davinder Singh to come

forward, and it hit near his right eye, due to which he became bloodied. Then they raised an alarm and they were rescued from the accused persons by Avtar Singh, Pali and Tari. They ran away from the scene, their weapons and threatening to kill the complainant. Then Gurpreet Singh and others threatened them that if they went to the hospital, they would surround them on the way and beat them again. This whole fight was witnessed by Paramjit Singh, Nirmal Singh son of Sewak Singh, Satnam Singh, Kulwinder Singh and Satwant Singh. On 04.05.2024, Avtar Singh son of Gurdev Singh admitted him to Civil Hospital Morinda for treatment, where he is under treatment along with Davinder Singh. Complainant requested that action should be taken against all of them. Statement of complainant was duly signed by him duly attested by Investigating Officer, who entered police proceedings under the statement itself. In MLR No.MSP/17/2024 of Balwinder Singh, doctor recorded 02 injuries. Injury number 01 is recorded as caused by a blunt weapon and injury number 02 is written as a sharp injury. The injured Davinder Singh's MLR No.MSP/20/2024 states that the doctor recorded 01 injury caused by a blunt weapon, which is a simple injury. Based on the aforementioned statements and MLRs, prima facie offenses under Sections 452, 324, 323, 506, 34 IPC are found to have been committed. Regarding this incident and occurrence, a previous case FIR No.24 dated 06.05.2024 under Sections 323, 324, 506, 148, 149 IPC, Police Station Sadar Morinda, has already been registered. As the place of occurrence and the time of the fight are the same, the present statement through entry

No.7, DDR No.022 dated 08.05.2024, is being registered as a cross-case under Sections 452, 324, 323, 506, 34 IPC against Nachhattar Singh, Gurpreet Singh, Amanpreet Singh and Sukhwinder Kaur residents of Dhanori, Police Station Sadar Morinda, and the investigation of the cross-case is also being incorporated into the aforementioned case. Upon reaching the place of occurrence, a site plan was prepared in the presence of the complainant after inspecting the location. At the scene, Paramjit Singh son of Sewak Singh, resident of Dhanauri, presented the CCTV footage from the CCTV camera installed at his house, saved on a pen drive, at the place of occurrence. This was taken into possession through a seizure memo. Statements of witnesses were recorded. On 26.05.2024, the accused Nachhattar Singh, Gurpreet Singh, Amanpreet Singh and Sukhwinder Kaur were arrested. On 15.06.2024, complainant produced Iron Gandasa, Tangri and kahi which were left by the accused persons during fight, before the police, which were taken into police possession. After completion of necessary investigation and all other formalities, challan was presented against the accused under Sections 452, 324, 323, 506, 34 IPC.

3. On appearance of the accused in the Court, copies of necessary documents as relied upon by the prosecution were supplied to the accused persons, free of cost, as required under Section 207 Cr.P.C.

4. On finding a prima-facie case against the accused persons, they were charged under Sections 323, 324, 452 and 506, all read with

Section 34 of IPC, to which they did not plead guilty and claimed trial.

5. In order to bring home the guilt of the accused, prosecution had examined following witnesses:-

PW-1	Balwinder Singh	Complainant
PW-2	Davinder Singh	Eye-witness
PW-3	Avtar Singh	Eye-witness
PW-4	Gurpreet Singh	Eye-witness
PW-5	ASI Surinder Singh	Investigating Officer
PW-6	Avtar Singh	Eye-witness
PW-7	Paramjit Singh	Eye-witness
PW-8	Satnam Singh	Eye-witness
PW-9	Nirmal Singh	Eye-witness
PW-10	Kulwinder Singh	Eye-witness
PW-11	Satwant Singh	Eye-witness

Documents proved:-

Ex.PW5/A and Ex.PW5/D	Medical Ruqa
Ex.PW5/B	Application dated 05.05.2024 moved to doctor
Ex.PW5/C	Ruqa
Ex.PX	Statement of complainant dated 05.05.2024
Ex.PY	Statement of complainant dated 07.05.2024
Ex.PW5/D	X-ray films
Ex.PA	Application moved to Doctor for recording statement of injured
Ex.PW5/E	Rough site Plan
Ex.PW5/F	Recovery memo of pendrive

Ex.PW5/G	Certificate under Section 65B of Indian Evidence Act
Ex.PW5/H	Arrest-cum-intimation memo of accused Gurpreet Singh
Ex.PW5/I	Personal search memo of accused Gurpreet Singh
Ex.PW5/J	Arrest-cum-intimation memo of accused Nachattar Singh
Ex.PW5/K	Personal search memo of accused Nachattar Singh
Ex.PW5/L	Arrest-cum-intimation memo of accused Amanpreet Singh
Ex.PW5/M	Personal search memo of accused Amanpreet Singh
Ex.PW5/N	Arrest-cum-intimation memo of accused Sukhwinder Kaur

Thereafter, learned APP for the State vide separate statement closed the prosecution evidence.

6. Thereafter, statements of the accused under Section 313 Cr.P.C were recorded, wherein all the incriminating evidence appearing against the accused were put to them, who pleaded that they are innocent and a false case has been registered against them and they had committed no offence. Accused did not opt to lead evidence in defence.

7. Learned APP has submitted that mere declaration of a witness as hostile does not have the effect of washing his entire evidence and an acceptable portion of his testimony can still be acted upon. He further contended that testimony of a witness who has been declared hostile would not by itself negate the entire prosecution story. It has been further submitted by him that testimony of a hostile witness cannot be outrightly rejected and that portion of his evidence which is consistent with the case of the prosecution can still be taken into account, keeping in view

the entire circumstances of the present case and legal proposition. Accordingly, accused are liable to be convicted for the offences with which they have been charged with.

8. On the other hand, learned counsel for the accused have argued that the prosecution has failed to prove its case against the accused as material witnesses i.e. PW-1 Balwinder Singh (complainant), PW-2 Davinder Singh, PW-3 Avtar Singh, PW-4 Gurpreet Singh, PW-6 Avtar Singh, PW-7 Paramjit Singh, PW-8 Satnam Singh, PW-9 Nirmal Singh, PW-10 Kulwinder Singh and PW-11 Satwant Singh had turned hostile in their examination-in-chief and stated that police took their signatures on blank papers and they never suffered statement against them. Hence, learned counsel for the the accused requested that all the accused may kindly be acquitted.

9. I have heard Learned Assistant Public Prosecutor for State and learned counsel for the accused and have gone through the case file minutely.

10. ***Firstly***, in the instant case, the accused have been charge-sheeted for the offence under Sections 323, 324, 452 and 506, all read with Section 34 of IPC. Before proceeding further into the matter, let us discuss the ingredients of Sections 323, 324, 452 and 506, all read with Section 34 of IPC 323, 324, 452 and 506 of IPC

Section 323 of IPC:-

(i) *That the accused caused bodily pain,*

- disease or infirmity to the complainant;
- (ii) That the accused caused it with:-
- (a) the intention of thereby causing hurt; or
- (b) With the knowledge that he is likely thereby to cause hurt,
- (iii) That the hurt caused was simple.

Section 324 of IPC:-

Voluntarily causing hurt by dangerous weapons or means:- Whoever voluntarily causes hurt by means of any instrument for shutting, stabbing or cutting or any instrument which used as weapon of offences, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine or with both.

Section 452 of IPC:-

Whosoever committed house trespass, having made preparation for causing hurt too any person or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault, or of wrongful restraint.

Under Section 506 of IPC:-

1. Threatening a person with any injury.

- (i) to his person, reputation or property; or
- (ii) to the person, or reputation of any one in whom that person is interested.

2. The threat must be with intent

*(i) to cause alarm to that person, or
(ii) to cause that person to do any act which he is not legally bound to do as the means of avoiding the execution of such threat; or
(iii) to cause that person to omit to do any act which that person is legally entitled to do as the means of avoiding the execution of such threat”.*

11. **Secondly**, it is pertinent to mention here that in order to prove the identity of the accused, the most important witness that have been examined by the prosecution are PW-1 Balwinder Singh (complainant), PW-2 Davinder Singh, PW-3 Avtar Singh, PW-4 Gurpreet Singh, PW-6 Avtar Singh, PW-7 Paramjit Singh, PW-8 Satnam Singh, PW-9 Nirmal Singh, PW-10 Kulwinder Singh and PW-11 Satwant Singh.

PW-1 Balwinder Singh (complainant) deposed in his examination-in-chief that *“on 08.05.2024 police got recorded my statement and the same is Ex.PW1/A but I do not now the contents of the statement. I do not identify accused persons present in the Court today.”*

PW-2 Davinder Singh deposed in his examination-in-chief that *“I do not identify accused persons present in the Court today.”*

PW-3 Avtar Singh deposed in his examination-in-chief that *“I do not identify accused persons present in the Court today.”*

PW-4 Gurpreet Singh deposed in his examination-in-chief

that *“I do not identify accused persons present in the Court today.”*

PW-6 Avtar Singh deposed in his examination-in-chief that *“I do not identify accused persons present in the Court today.”*

PW-7 Paramjit Singh deposed in his examination-in-chief that *“I do not have any knowledge regarding pendrive and same was not handed over by me and I do not know the contents of the pendrive. I do not identify accused persons present in the Court today.”*

PW-8 Satnam Singh deposed in his examination-in-chief that *“I do not identify accused persons present in the Court today.”*

PW-9 Nirmal Singh deposed in his examination-in-chief that *“I do not identify accused persons present in the Court today.”*

PW-10 Kulwinder Singh deposed in his examination-in-chief that *“I do not identify accused persons present in the Court today.”*

PW-11 Satwant Singh deposed in his examination-in-chief that *“I do not identify accused persons present in the Court today.”*

The careful perusal of the testimonies of PW-1 Balwinder Singh (complainant), PW-2 Davinder Singh, PW-3 Avtar Singh, PW-4 Gurpreet Singh, PW-6 Avtar Singh, PW-7 Paramjit Singh, PW-8 Satnam Singh, PW-9 Nirmal Singh, PW-10 Kulwinder Singh and PW-11 Satwant Singh (eye-witnesses) shows that in their examination-in-chief they failed to identify the accused and had turned hostile. Meaning thereby, the most essential ingredient i.e. the identity of all the accused have not been

proved beyond shadow of reasonable doubt.

12. **Thirdly**, no doubt, statement of a hostile witness should not be thrown overboard and so much part of the statement of hostile witness which is consistent with the prosecution story can still be taken help to convict the accused person. In *State of Rajasthan Vs. Teg Bahadur (Supra)*, Hon'ble Supreme Court of India has held that "*evidence of a hostile witness would not be totally rejected if submitted in favour of the prosecution or accused but it can be subject to close scrutiny and that portion of the evidence, which is consistent with the case of the prosecution or defence may be accepted.*" In the present case, there is nothing in the case file, which can connect the accused persons present in Court with the alleged offences.

13. Thus, in view of the above-said evidence on the record, when the material witnesses i.e. PW-1 Balwinder Singh (complainant), PW-2 Davinder Singh, PW-3 Avtar Singh, PW-4 Gurpreet Singh, PW-6 Avtar Singh, PW-7 Paramjit Singh, PW-8 Satnam Singh, PW-9 Nirmal Singh, PW-10 Kulwinder Singh and PW-11 Satwant Singh (eyewitnesses) had not supported the prosecution story and turned hostile, the testimony of other witnesses i.e. PW-5 ASI Surinder Singh is formal in nature, then this Court has no other option but to acquit the accused Gurpreet Singh, Nachattar Singh, Amanpreet Singh and Sukhwinder Kaur.

Therefore, accused Gurpreet Singh, Nachattar Singh, Amanpreet Singh and Sukhwinder Kaur are acquitted of the charges

framed against them under Sections 323, 324, 452 and 506, all read with Section 34 of IPC. Their bail bonds and surety bonds stand discharged. The case property if any be disposed of under rules. Ahlmad is directed to return the unexhibited documents to the parties against proper receipt, as per rules. File be consigned to the record-room after due compliance.

Pronounced:
21.03.2025

(Ashish Thathai), PCS,
Addl.Chief Judicial Magistrate,
Rupnagar/UID No.PB-0355

Sushma, Stenographer-II

CIS No.CHI/120/2025

CNR No.PBRO03-000831-2025

State Vs. Gurpreet Singh and others

Present:- Ms.Sonia Gupta, learned APP for the State.
Accused Gurpreet Singh, Nachattar Singh, Amanpreet Singh and Sukhwinder Kaur on bail with counsel Sh.Aman Kumar Advocate.

1. PW-1 Balwinder Singh, PW-2 Davinder Singh, PW-3 Avtar Singh, PW-4 Gurpreet Singh, PW-5 ASI Surinder Singh, PW-6 Avtar Singh, PW-7 Paramjit Singh (through video conferencing), PW-8 Satnam Singh (through video conferencing), PW-9 Nirmal Singh (through video conferencing), PW-10 Kulwinder Singh (through video conferencing) and PW-11 Satwant Singh (through video conferencing) have been examined completely.

2. Learned APP for the State vide separate statement closed the prosecution evidence.

3. Statements of accused under Section 313 Cr.P.C. have been recorded, to which they did not opt to lead evidence in defence.

4. Arguments heard. Vide my separate detailed judgment of even date, accused Gurpreet Singh, Nachattar Singh, Amanpreet Singh and Sukhwinder Kaur are acquitted of the charges framed against them. Bonds under Section 437-A Cr.P.C furnished which are accepted and attested. File be consigned to record room.

Pronounced:
21.03.2025

(Ashish Thathai), PCS,
Addl.Chief Judicial Magistrate,
Rupnagar/UID No.PB-0355

Sushma, Stenographer-II