

**IN THE COURT OF SANDEEP KAUR GILL, PCS,
JUDICIAL MAGISTRATE, 1ST CLASS, JALANDHAR.
(UID No.PB0599)**

**CIS No.-CHI-192-2024
CNR No.PBJL03002118-2024
Date of Institution: 03.02.2024
Date of decision: 24.07.2026**

State of Punjab

Versus

1. Hardeep @ Deepa son of Ashok Kumar, resident of village Lidhra, District Jalandhar.
2. Abhinash @ Avi son of Jasveer Singh, resident of village Chak Jinda, District Jalandhar.

...Accused

**FIR No. 147 dated 24.12.2023
Under Sections 379, 482, 411, 34 IPC
Police Station Division No.1, Jalandhar.**

Present:- Ms. Manjinder Kaur, Ld. APP for the State
Accused Hardeep on bail and represented by Ms. Arpana Nahar, Advocate.
Accused Abhinash in custody in some other case (produced through VC) represented by Ms. Arpana Nahar, Advocate.

J U D G M E N T

1. The above-mentioned accused persons have been sent up to face trial under sections 379, 482, 411, 34 Indian Penal Code by SHO, Police Division No.1, Jalandhar on the allegations that in the month of October-November 2023 in the area of Workshop Chowk, in furtherance of their common intention they have committed theft of motorcycle bearing registration No. PB-08-EN-4812 and Activa bearing registration No. PB-08-BT-5569 and they affixed false and forged number plate PB-08-438 on motorcycle by removing its original number plate POB-08-EN-4812 and have dishonestly retained the said vehicles in their possession

(Sandeep Kaur Gill)
JMJC/Jalandhar
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having reason to believe the same to be stolen property.

2. The facts revealed from the report u/s 173 Cr.P.C., are that on 24.12.2023, ASI Sahib Singh while present with the police party in connection with patrolling at Maksooda Chowk received a secret information that accused Avinash @ Avi and Hardeep @ Deepa who were habitual thieves involved in previous theft cases were coming from village Jinda towards Verka Milk Plant on a motorcycle bearing registration No. PB-08-EN-4812 which had been stolen about three months earlier from the Grain Market, Jalandhar. The accused had affixed a forged number plate on the stolen motorcycle. Finding the information reliable, ASI Sahib Singh sent a ruqa to the Police Station through PHG Gurmeet Singh on the basis of which the FIR was registered. Thereafter, naaka was laid near Verka Milk Plant. After some time two persons were seen approaching on the motorcycle. When signalled to stop they abandoned the motorcycle and attempted to flee. One accused succeeded in escaping while the other was apprehended and disclosed his identity as Hardeep @ Deepa. He further disclosed the name of the absconding accused as Avinash @ Avi. During the personal search of accused Hardeep one knife was recovered. During interrogation Hardeep suffered a disclosure statement admitting that he and Avinash had stolen the motorcycle about two months earlier. As they could not sell it for want of documents, they had removed and thrown away its original number plate in a drain and affixed a forged number plate on the motorcycle. Pursuant thereto the motorcycle along with the forged number plate was taken into police possession. The site

plan was prepared, the accused was arrested and the case property was deposited in the police malkhana. On 27.12.2023 Ram Bahadur resident of Shiv Nagar, Jalandhar identified the recovered motorcycle as belonging to his son Deepak and stated that its original registration number was PB-08-EN-4812. Thereafter, ASI Sahib Singh received another secret information that co-accused Avinash @ Avi was present near the New Courts, Jalandhar. On the basis of the said information a naaka was laid and accused Avinash was apprehended. During interrogation Avinash made a disclosure statement admitting that he and Hardeep had stolen the motorcycle bearing registration No. PB-08-EN-4812 from the Grain Market and had disposed of its original number plate. He further disclosed that on 24.12.2023 both of them were proceeding to sell the stolen motorcycle when they were intercepted by the police. He also disclosed that they had stolen an Activa scooter bearing registration No. PB-08-BT-5569 from Gurdwara Sahib, Preet Nagar about one month earlier which they had concealed in a room near Gurbanta Singh Flats Jalandhar as they had not been able to sell it. Pursuant to the disclosure statement, the police recovered the said Activa scooter without any number plate bearing Engine No. JC44E1189545 and Chassis No. ME4JC448BB8078676 and took it into possession. On 08.01.2024, Dalbir Singh resident of Ashok Vihar Jalandhar identified the recovered Activa scooter as his vehicle bearing registration No. PB-08-BT-5569. After completion of investigation, the police presented the challan against the accused under Sections 379, 482, 411 and 34 IPC.

3. Upon presentation of challan in the court, the documents as envisaged u/s 207 Cr.P.C. were supplied to the accused persons free of costs.

4. From the contents of the challan and the documents enclosed therewith a prima facie case was made out against the accused persons for having committed the offences punishable under Section 379 IPC read with 34 IPC, 411 IPC read with 34 IPC and 482 IPC read with 34 IPC. Accordingly, accused persons were charge-sheeted. The contents of the charge were read over and explained to the accused persons to which they pleaded not guilty and claimed trial.

5. In support of its case the prosecution examined **PW-1 ASI Sahib Singh** the Investigating Officer who deposed regarding the investigation conducted by him. He proved the following documents:

Ruqa as Ex. PW1/A

FIR as Ex. PW1/B

Disclosure statement of accused Hardeep as Ex. PW1/C

Recovery memo of the motorcycle forged number plate and knife as Ex. PW1/D

Recovery memo of the forged number plate and knife as Ex. PW1/E

Rough sketch of the recovered knife as Ex. PW1/F

Rough site plan of place of apprehension of accused Hardeep as Ex. PW1/G

Arrest memo of accused Hardeep as Ex. PW1/H

Personal search memo of accused Hardeep as Ex. PW1/I

Application moved before the RTO Jalandhar for verification of ownership of the recovered motorcycle as Ex. PW1/J

RTO verification report of motorcycle as Ex. PW1/K

Identification memo of motorcycle by Ram Bahadur as Ex. PW1/L

Arrest memo of accused Avinash as Ex. PW1/M

Personal search memo of accused Avinash as Ex. PW1/N

Disclosure statement of accused Avinash as Ex. PW1/O

Recovery memo of the Activa scooter as Ex. PW1/P

*Rough site plan of the place of recovery of Aactiva as Ex. PW1/Q
application moved before the RTO for verification of ownership of the
recovered Aactiva scooter as Ex. PW1/R
RTO report as Ex. PW1/S
Identification memo of active as Ex. PW1/T
Rapt regarding addition of Section 411 IPC as Ex. PW1/U*

6. **PW-2 Constable Gagandeep Singh** a member of the police party corroborated the testimony of the Investigating Officer regarding the apprehension of the accused and the recoveries affected and identified the documents already proved by PW-1.

7. **PW-3 Ajay Kumar** deposed that on 04.01.2024 he joined the investigation and witnessed the disclosure statement made by accused Avinash which he proved as Ex. PW1/O and the consequent recovery memo as Ex. PW1/P.

8. **PW-4 Ram Bahadur** deposed that the motorcycle bearing registration No. PB-08-EN-4812 was registered in the name of his son Deepak Sharma. He stated that the said motorcycle had been stolen and identified the recovered motorcycle vide Ex. PW1/L.

9. **PW-5 ASI Vijay Kumar** deposed that on 24.12.2023 the Investigating Officer deposited one motorcycle along with the forged number plate bearing registration No. PB-08-438 in the malkhana whereupon he made the relevant entry in Register No. 19. He further deposed that on 04.01.2024 the Investigating Officer deposited one Aactiva scooter in the malkhana regarding which another entry was made in the register.

10. **PW-6 Amandeep Stenographer RTO Jalandhar** proved the

screen report of motorcycle bearing registration No. PB-08-EN-4812 as Ex.PW1/K, RTO verification report and the certificate under Section 63 BSA as ExPW6/A and PW6/B. He also proved the screen report of Activa bearing registration No. PB-08-BT-5569 as Ex.PW1/S, the corresponding RTO verification report and the certificate under Section 63 BSA as Ex. PW6/B and PW6/C.

11. **PW-7 Dalbir Singh** deposed that his Activa scooter bearing registration No. PB-08-BT-5569 had been stolen in the year 2023 from outside Gurdwara Sahib Preet Nagar. He stated that he later came to know that the said scooter had been recovered by the police and identified the recovered Activa vide Ex. PW1/D. He further stated that he had lodged a complaint regarding the theft at Police Station Division No. 1 Jalandhar though he could not produce a copy of the said complaint.

12. Thereafter, Ld. APP for State closed evidence on behalf of the State and the file was fixed for recording statement of accused persons under Section 313 Cr.P.C.

13. Statement of accused under Section 313 Cr.P.C. was recorded whereby the entire incriminating evidence appearing on file was put across to them. They pleaded that they are innocent and he have been falsely implicated in the present case.

14. No evidence led by accused. The same was closed by order.

15. Arguments advanced by learned APP for

the State and learned defence counsel heard and the case file perused.

16. After considering the rival contentions raised by Learned APP for State as well as Learned Defence Counsel and evaluating the entire oral as well as documentary evidence placed on record, following point emerges for determination:

1. Whether in the month of October-November 2023 in the area of Workshop Chowk, both the accused in furtherance of their common intention have committed theft of motorcycle bearing registration No. PB-08-EN-4812 and Activa bearing registration No. PB-08-BT-5569 and they affixed false and forged number plate PB-08-438 on motorcycle by removing its original number plate PB-08-EN-4812 and have dishonestly retained the said vehicles in their possession having reason to believe the same to be stolen property?

Finding:

17. In the present case it is the case of the prosecution that the motorcycle bearing registration No. PB-08-EN-4812 recovered from the possession of the accused persons was stolen property. To prove the said fact the prosecution examined PW-4 Ram Bahadur who deposed that the motorcycle was registered in the name of his son Deepak Sharma and that the same had been stolen. However, neither PW-4 nor the prosecution produced on record any complaint FIR or any other documentary evidence to establish that the said motorcycle had in fact been reported stolen. Mere oral testimony unsupported by any contemporaneous complaint or record

is insufficient to conclusively establish that the motorcycle was stolen property.

18. Likewise, the prosecution alleged that an Activa scooter bearing registration No. PB-08-BT-5569 was recovered pursuant to the disclosure statement of accused Avinash @ Avi. In support thereof the prosecution examined PW-7 Dalbir Singh who deposed that the said Activa had been stolen in the year 2023 from outside Gurdwara Sahib, Preet Naga, Jalandhar. However, PW-7 also failed to produce any complaint FIR or any documentary record to show that the theft of the Activa had ever been reported to the police. Consequently, the prosecution has failed to establish that the recovered Activa was stolen property.

19. It is pertinent to note that there is no direct evidence to show that either of the accused committed the theft of the motorcycle or the Activa. No eyewitness has been examined to prove the alleged theft nor has any other cogent evidence been led to connect the accused with the commission of theft. In the absence of proof that the recovered vehicles were “stolen property” within the meaning of Section 410 IPC, the essential ingredients of the offences punishable under Sections 379 and 411 IPC remain unproved.

20. The prosecution has further alleged that the accused persons had removed the original registration plate of the motorcycle and affixed a forged number plate bearing registration No. PB-08-438. However, this allegation is founded solely upon the disclosure statements of the accused persons. The original number plate was never recovered pursuant to the

disclosure statements nor has any evidence been led to show that the accused were found in possession of any other forged number plates or were seen removing or affixing the number plate. In the absence of any independent corroboration, the disclosure statements cannot by themselves form the basis of conviction. Consequently, the prosecution has also failed to establish the offence punishable under Section 482 IPC.

21. In view of the foregoing discussion, this Court is of the view that the prosecution has failed to prove the guilt of the accused persons beyond reasonable doubt. Accordingly, point is decided against the prosecution and both the accused namely Avinash @ Avi and Hardeep @ Deepa are acquitted of all the charges framed against them. Personal bonds of the accused persons and surety bonds of the sureties stand discharged. Accused persons are directed to furnish bail bonds in the sum of Rs.10,000/- with one surety of like amount each under Section 437-A Cr.P.C within 10 days from today. After awaiting the result of appeal or revision, if any, as the case may be, case property be disposed of as per rules. Intimation regarding acquittal of Accused Avinash in the present case be sent to the concerned Superintendent of Jail. File be consigned to the Record Room after due compliance.

Pronounced in open court.
Dated: 24.07.2026
Som Nath
(directly dictated on computer)

(Sandeep Kaur Gill)
Judicial Magistrate Ist Class
Jalandhar (UID No.PB0599)

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State Versus Hardeep etc.

Present:- Ms. Manjinder Kaur, Ld. APP for the State
Accused Hardeep on bail and represented by Ms. Arpana Nahar, Advocate.
Accused Abhinash in custody in some other case (produced through VC) represented by Ms. Arpana Nahar, Advocate.

No Dw is present and same is closed by order.

Arguments heard. Vide separately recorded detailed Judgment of even date, all the accused persons are **acquitted** of the charges framed against them. Personal bonds of the accused persons and surety bonds of the sureties stand discharged. Accused persons are directed to furnish bail bonds in the sum of Rs.10,000/- with one surety of like amount each under Section 437-A Cr.P.C within 10 days from today. After awaiting the result of appeal or revision, if any, as the case may be, case property be disposed of as per rules. Intimation be sent to the Superintendent of the concerned Jail that the accused Avinash has been acquitted in the present case. File be consigned to the Record Room after due compliance.

Pronounced in open court.
Dated: 24.07.2026
Som Nath

(Sandeep Kaur Gill)
Judicial Magistrate Ist Class
Jalandhar (UID No.PB0599)

((Sandeep Kaur Gill)
JMIC/Jalandhar
24.07.2026