

IN THE COURT OF DR. GURPREET KAUR ,
ADDL. SESSIONS JUDGE, LUDHIANA . (UID NO.PB0221).

CIS Regd. No. SC/362/2024

CNR No.PBLD01-006222-2024

Date of Decision: 13.07.2026.

State of Punjab

Versus

Rajat son of Chander Pal, resident of St. No. 1, Bihari Colony, New Vijay
Nagar, Chuhanpur Road, Haibowal Kalan, Ludhiana.

...Accused.

FIR No.221 dt. 21.09.2022

U/s 379-B IPC

P.S. Haibowal, Ludhiana.

Present:- Sh. Rushil Jindal, Ld. APP for the State.

Accused Rajat on bail in this case but in custody in some other
case, represented by counsel Sh. S.K. Uppal, Advocate.

JUDGMENT

1. The above named accused has been sent up to face trial for the offence punishable under Sections 379-B of Indian Penal Code, 1860 (IPC) by the Officer Incharge, P.S. Haibowal, Ludhiana.

2. The case was committed to the learned Sessions Court by the Court of Ms. Harmandeep Kaur, learned Judicial Magistrate Ist Class, Ludhiana vide order dated 01.03.2024.

3. Succinctly stated the facts of the case are that on 21.09.2022, ASI Om Parkash alongwith police party was on patrolling duty and were present near Chuharpur Road, Sangam Palace Chowk, Ludhiana when the complainant Seeta Singh wife of Sanjay Singh, R/o Plot No. 1, near Petrol Pump, Chuharpur Road, Haibowal Kalan, Ludhiana appeared before the Investigating Officer and has got her statement recorded to the effect that she is resident of the above stated address and and she is a housewife. On 17.09.2022 at about 1:30 p.m., the complainant went outside her house for turning on the water motor and when she returned to her house, then one boy, wearing white cap on his head and white shirt, came from opposite side of the complainant and he snatched the gold chain from her neck and ran away from the spot and at that time, the husband of the complainant was not available at his house due to which, the complainant could not reported the matter to the police. Upon recording her statement, ruqa was sent and the present FIR was registered against unknown persons. Thereafter, the police party reached at the spot and prepared the site plan and recorded the statements of the witnesses under Section 161 Cr.P.C. On 17.12.2022, ASI Om Parkash alongwith police party was present at P.S. Haibowal, Ludhiana when the husband of the complainant namely Sanjay Singh came before the IO and got his statement recorded to the effect that the person, who snatched the gold chain of his wife was arrested by the officials of P.S. PAU, Ludhiana and thereafter he stated that he alongwith his wife identified their gold chain at P.S. PAU, Ludhiana. Thereafter, the police party reached at P.S. PAU, Ludhiana,

where ASI Resham Singh informed that the person, who snatched the gold chain of the complainant had been arrested in FIR No. 154 dt. 21.09.2022 under Section 379-B/34 IPC, P.S. PAU, Ludhiana alongwith two more persons and from accused Rajat son of Chanderpai, the gold chain of the complainant was recovered and the challan of the said FIR already presented before the Court. Thereafter, the police party received the record of FIR No. 154 dt. 21.09.2022 under Section 379-B/34 IPC, P.S. PAU, Ludhiana from Naib Court and the police party came to know that the accused Rajat was on bail in the said FIR. Thereafter, Rajat son of Chanderpai was nominated as accused in the present case and the raids were conducted at the house of the accused. Then, on 28.07.2023, the MHC informed the IO that the accused Rajat was already arrested in FIR No. 149 dt. 26.07.2023 P.S. Haibowal, Ludhiana and he was in lockup of P.S. Haibowal, Ludhiana. Thereafter, the accused was identified by the complainant vide separate identification memo. The site plan was prepared and the statements of witnesses under Section 161 Cr.P.C. were recorded. After completion of the investigation, the challan against the accused was presented before the Court on 26.09.2023.

4. Upon presentation of challan, the copy of the same alongwith documents was supplied to the accused free of cost as mandated under Section 207 Cr.P.C. and his separate statement to this effect was recorded.

5. From the submissions of both the sides, finding a prima facie case under Section 379-B IPC against the accused, he was charge sheeted to which he did not plead guilty and claimed trial.

6. In order to prove its case, the prosecution has examined Seeta Singh being complainant as PW1 and ASI Om Parkash Investigating Officer as PW2 and thereafter, the evidence of the prosecution was closed by order when the star witness of the case has already been declared hostile and investigating officer been examined.

7. Statement of the accused under Section 313 Cr.P.C. was recorded by putting the incriminating circumstances appeared in the prosecution evidence against him. He denied the circumstances put to him. His version is that he is innocent and has been falsely implicated in this case.

8. Though accused opted to lead defence evidence, but he did not examine any witness and closed his defence evidence.

9. I have heard learned Addl. Public Prosecutor for the State, learned defence counsel and have gone through the record carefully.

10. The learned Addl. PP for the State submitted that though the complainant did not support the prosecution case but from the evidence of the Investigating officer, incrimination against accused gets proved and thus he prayed for the conviction of the accused.

11. On the other hand, Ld. defence counsel submitted that the accused is facing allegations for snatching of gold-chain of Seeta Singh. However, during the prosecution evidence, the said complainant did not support the prosecution case and was declared hostile. Though the investigating officer has been examined but his evidence remained uncorroborated by any other police official and since the material witness

did not support the prosecution version, so virtually no offence gets proved against the accused. Pressing upon the fact that prosecution has to prove its case beyond any shadow of reasonable doubt but a strong dent has got created in the prosecution case bringing home the acquittal of the accused, thus he prayed for the acquittal of all the accused.

12. After hearing learned Addl. Public Prosecutor for the State, learned defence counsel, this court is of the considered view that basic bone of contention in the present case is as to whether on 21.09.2022, at about 01.30pm in the area of P.S.Haibowal, Ludhiana, accused Rajat forcibly snatched gold chain from the person of Seeta Singh ?

13. In order to prove its case, the prosecution has examined Seeta Singh, complainant as PW1 who while appearing into the witness box, he did not support the version of prosecution evidence. He deposed in his examination-in-chief that on 17.09.2022, some unknown person had snatched her gold chain weighing 1.5 tola. She identified her signatures on her statement Ex.P1 at point-A. But she did not identify the accused in the Police Station. She was declared hostile at the request of learned Addl. PP for the State and was cross-examined at length but nothing fruitful to the prosecution could be derived therefrom.

14. ASI Om Parkash examined as PW2 being the Investigating officer of the case who deposed the investigation proceedings and proved on record the statement of complainant as Ex.P1, his attestation thereon as Ex.P2, police proceedings as Ex.P3, FIR Ex.P4, Endorsement of FIR as Ex.P5, site plan prepared by the Police at the spot as Ex.P6, arrest-cum-

intimation memo as Ex.P7, personal search memo of accused as Ex.P8 duly witnessed by C. Alamdeep Singh as witness. He further deposed that Seeta Singh visited the police Station Haibowal, Ludhiana where she had identified the accused Rajat vide identification memo nEx.P9 which was witnessed by Ct. Alamdeep Singh. He identified the accused present in the Court. However, his testimony remained uncorroborated as the prosecution has failed to examine the eye-witness or other witness of the recover.

15. The entire prosecution case rests upon the testimony of the complainant and the investigation conducted by PW-2 ASI Om Parkash. The complainant Seeta Singh, who is the victim as well as the sole eye-witness of the alleged occurrence, has not supported the prosecution case on the material particulars. Though she admitted that an unknown person had snatched her gold chain and identified her signatures on her statement Ex.P1, she categorically failed to identify the accused as the person who committed the alleged offence. She specifically deposed that she had not identified the accused in the police station. Despite lengthy cross-examination by the learned Addl. PP after declaring her hostile, nothing could be elicited to connect the accused with the alleged occurrence.

16. It is a settled proposition of criminal jurisprudence that the burden always lies upon the prosecution to establish the guilt of the accused beyond reasonable doubt and the accused is presumed to be innocent unless proved guilty.

17. The testimony of PW-2 ASI Om Parkash only proves the

investigation conducted by him. The Investigating Officer is not an eye-witness to the occurrence. His deposition regarding the alleged identification of the accused by the complainant during investigation is not substantive evidence. It is well settled that the identification of an accused before the police has no evidentiary value and only the identification made before the Court constitutes substantive evidence. Since the complainant failed to identify the accused in Court, the alleged police identification memo Ex.P9 loses its evidentiary significance.

18. The prosecution has also failed to examine any independent witness regarding the alleged recovery or any other witness connected with the recovery proceedings. Even the witness to the alleged identification memo and other police proceedings has not been examined. Consequently, the testimony of the Investigating Officer remains uncorroborated on all material aspects.

19. If we go by the legal parlance, Section 379B deals with the offence of snatching. The verbatim of Section 379B is reproduced as under:-

379B. Snatching after preparation made for causing death, hurt or restraint in order to the committing of snatching.—Whoever commits or attempts to commit snatching, having made preparation for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, to any person, in order to committing of such snatching, or in order to the retaining of property taken

by such snatchin.

20. Thus, from the bare provision, it clearly gets reflected that in order to attract incrimination under Section 379B of IPC, prosecution has to prove that the accused committed the snatching after making preparation to cause death, hurt or wrongful restrained and further retained the property snatched by him. However, in the present case, the complainant has not supported the prosecution on the identity of the accused, which is the core issue involved in the case. There is no independent corroborative evidence available on record to establish that it was the present accused who had committed the alleged offence.

21. Applying the above principles to the facts of the present case, this Court finds that the prosecution has failed to establish the identity of the accused as the perpetrator of the offence. The complainant has not identified the accused before the Court. The alleged identification before the police is not substantive evidence. The testimony of the Investigating Officer, in the absence of corroboration from any independent witness or the complainant, is insufficient to held the accused guilty for the offence of snatching.

22. Thus, the prosecution has failed to prove beyond reasonable doubt that accused Rajat had committed the alleged offence. The accused, therefore, deserves the benefit of doubt. Accordingly, accused Rajat is acquitted of the charge framed against him by extending him the benefit of doubt. His bail bonds and surety bonds shall stand discharged after expiry of the statutory period of appeal/revision or subject to decision

thereof in any. Case property, if any, be dealt with as per Rules. File be
consigned to the Record Room after due compliance.

Pronounced in open Court.

Dated: July 13th, 2026.

(Dr. Gurpreet Kaur),
Addl. Sessions Judge
Ludhiana (UID No.PB-0221).

(Manoj K.Arora, Sg. Grade-1).

Note This judgment has been directly dictated on computer.