

State Vs. Karamajit Singh etc.
CNR No. PBLDC1-001364-2021
CIS No.CHI-137-2021
Date of Decision: 20.09.2023 1

FIR No. and date	38/05.03.2021
Decided on	20.09.2023
CNR No.	PBLDC1-000364-2021

IN THE COURT OF JUDICIAL MAGISTRATE IST CLASS,
SAMRALA.
(PRESIDED OVER BY Ms. RAMANDEEP NEETU – PB0452)
CHI-137-2021

State of Punjab

VERSUS

- 1. Karmajit Singh son of late Hari Singh,
- 2. Ranbir Singh @ Bala son of Hari Singh,
- 3. Dharamjit Singh @ Dharamvir Singh son of Hari Singh,

All residents of Pawat, Machhiwara Sahib, District Ludhiana.

..... Accused

FIR No. 38 Dated:05.03.2021
Under Sections: 323, 325, 201, 34 of the Indian Penal Code
PS Machhiwara Sahib.

PRESENT: Sh. Sandeep Kumar, APP for the State.

Accused on bail.

Sh. Kuldeep Kumar, Advocate, counsel for the accused.

JUDGMENT:

Accused Karamjit Singh, Ranbir Singh @ Bala and
Dharamjit Singh @ Dharamvir Singh were sent up to face trial under
Sections 323, 325, 201, 34 of the Indian Penal Code (here-in-after ‘IPC’

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for short) by the SHO of Police Station, Machhiwara Sahib.

CASE OF THE PROSECUTION:

2. The case of the prosecution is that the FIR was registered on the statement of complainant Baljinder Kaur wife of Late Meghraj son of Late Dev Raj, resident of Pawat, PS Machhiwara Sahib. As per the said statement, on 24.02.2021, at around 07:00 PM the complainant went to the house of Aman wife of Ranbir Singh @ Bala, resident of Pawat, to express her resentment that her son had beat up the complainant's grandson. After some time, Ranbir Singh @ Bala son of Hari Singh, resident of Pawat and his brothers namely Karamjit Singh and Dharamjit Singh sons of Hari Singh, residents of Pawat, started raising *lalkara* in front of the house of the complainant. The complainant opposed the same at which Ranbir Singh @ Bala attempted to attack the complainant with a rod on her head but the complainant raised her right arm and the rod hit her on her right arm. The complainant fell on the ground. Thereafter, the above named persons beat up the complainant while she was on the ground, at which the complainant raised a hue and cry. The complainant's son namely Ranjit Singh came out from the house and the assailants entered into a scuffle with him. The assailants also slapped the complainant's grandson namely Bhavkirat Singh. Thereafter, the assailants fled from the spot. The complainant was got admitted at Civil Hospital, Samrala, by her son namely Ranjit Singh. Thereafter, investigation was initiated. Accused Karamjit Singh, Ranbir Singh @

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Bala and Dharamjit Singh @ Dharamvir Singh were arrested. After completion of investigation and other attendant formalities, a report was prepared in terms of Section 173 of the Code of Criminal Procedure, 1973 and was presented in the Court.

COMPLIANCE U/S 207 CrPC:

3. On presentation of the report under Section 173 of the Code of Criminal Procedure, 1973, in the Court, copies of documents relied upon by the prosecution were supplied to the accused free of cost, as provided under Section 207 of the Code of Criminal Procedure, 1973.

CHARGES FRAMED AGAINST THE ACCUSED:

4. Finding a prima-facie case under Sections 323, 325 and 34 IPC, charge was framed against the accused under the said Sections of the Code, to which the accused pleaded not guilty and claimed trial.

BRIEF SUMMARY OF PROSECUTION EVIDENCE:

5. In order to prove its case, the prosecution examined **Baljinder Kaur** as **PW1** and **Ranjit Singh** as **PW2**. Thereafter, the evidence of the prosecution was closed by order by this Court vide order of even date.

STATEMENTS OF THE ACCUSED U/S 313 CrPC:

6. Recording of the statements of the accused under Section 313 CrPC was dispensed with as there was nothing incriminating against the accused on the file, which could be put to the accused. The accused closed the defence evidence vide their joint statement to that effect without leading any evidence in defence.

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ARGUMENTS ADVANCED BY THE PROSECUTION AND BY THE DEFENCE:

7. The learned APP for the State and the learned counsel for the accused have been heard and the record has been perused with due care and circumspection.

8. The learned APP for the State argued on the same lines as the case of the prosecution and prayed for the conviction of the accused and for imposition of proper sentence accordingly.

9. On the other hand, the learned defence Counsel contended that the prosecution failed to prove the case against the accused beyond reasonable doubt. Accordingly, a prayer was made by the learned defence counsel for the acquittal of the accused.

POINTS FOR DETERMINATION:

10. From the report under Section 173 (2) of the Criminal procedure Code, 1973, and the documents attached therewith, the following points for determination arise in the present case:

I. Whether on 24.02.2021 at about 07:00 PM in the area of PS Machhiwara Sahib, accused Ranbir Singh @ Bala, in furtherance of the common intention of his co-accused, voluntarily caused grievous hurt to complainant Baljinder Kaur wife of late Megh Raj with a rod?

II. Whether on the same date, at the same time and place as above, accused Ranbir Singh @ Bala, in furtherance of the common intention of his co-accused, voluntarily caused simple hurt to complainant Baljinder Kaur wife of late Megh Raj, her son Ranjit Singh and her

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grandson Bhavkirat Singh?

III. Whether on the same date, at the same time and place as above, accused Karamjit Singh, in furtherance of the common intention of his co-accused, voluntarily caused simple hurt to complainant Baljinder Kaur wife of late Megh Raj, her son Ranjit Singh and her grandson Bhavkirat Singh?

IV. Whether on the same date, at the same time and place as above, accused Dharamjit Singh @ Dharamvir Singh, in furtherance of the common intention of his co-accused, voluntarily caused simple hurt to complainant Baljinder Kaur wife of late Megh Raj, her son Ranjit Singh and her grandson Bhavkirat Singh?

PROSECUTION EVIDENCE:

11. The cardinal principle of criminal jurisprudence is that the prosecution must prove the case against the accused beyond every reasonable doubt and the onus to prove the guilt of the accused to the hilt is on the prosecution and it never shifts. The prosecution has to stand on its own legs so as to prove its case and it cannot derive any benefit from the defence version. In the light of these principles this court will now determine the guilt of the accused in the light of the evidence led by the prosecution, as discussed hereinafter.

12. The prosecution examined Baljinder Kaur as **PW1** and she deposed as under:

“Stated that I am the resident of above said address. On 24.02.2021, some unknown persons caused injuries to me. I do not identify

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the accused present in the Court. They did not caused any injuries to me and my son.” At this, the learned APP for the State sought the permission of the Court to declare the witness hostile and to cross-examine her, as she was suppressing the truth and resiling from her previous statement. The necessary permission was granted to the learned APP for the State and the witness was declared hostile and was cross-examined by the learned APP for the State.

13. The prosecution further examined Ranjit Singh as PW2 and he deposed as under:

“Stated that I am the resident of above said address. On 24.02.2021, some unknown persons caused injuries to my mother. I do not identify the accused present in the Court. They did not caused any injuries to me and my mother.” At this, the learned APP for the State sought the permission of the Court to declare the witness hostile and to cross-examine him, as he was suppressing the truth and resiling from his previous statement. The necessary permission was granted to the learned APP for the State and the witness was declared hostile and was cross-examined by the learned APP for the State.

14. Thereafter, the evidence of the prosecution was closed by order by this court vide order of even date as the prosecution witnesses in the present case turned hostile and failed to support the case of the prosecution and no useful purpose would have been served by examining the remaining formal witnesses.

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FINDINGS ON POINTS FOR DETERMINATION NO. I TO IV:

15. Points for determination no. I to IV are being taken up together since these points are interconnected and also in order to avoid repetition of facts and evidence. In light of the prosecution evidence, as detailed above and after hearing the learned APP for the State and the learned counsel for the accused and after going through the case file diligently, this Court is of the considered view that the prosecution miserably failed to prove the charges framed against the accused. PW1 Baljinder Kaur and PW2 Ranjit Singh categorically deposed that on 24.02.2021, some unknown persons caused injuries to them. They failed to identify the accused present in the Court as they deposed that they do not identify the accused present in the Court. They further deposed that the accused did not cause any injuries to them. The said witnesses were cross-examined at length by the learned APP for the State but he was unable to extract anything favourable to the prosecution from the mouth of the said witnesses.

16. In the light of the foregoing discussion, this court is of the considered view that PW1 Baljinder Kaur and PW2 Ranjit Singh, who were the star witnesses of the present case, failed to support the case of the prosecution and did not identify the accused as the persons, who beat up the complainant and her son on 24.02.2021. The prosecution failed to prove that the accused were present at the time of the occurrence. There is nothing on the file to connect the present accused with the offence in

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question. The accused are, therefore, liable to be acquitted of the charges framed against them. All the points for determination are accordingly answered in the negative.

CONCLUSION:

17. As a result of the foregoing discussion, this Court is of the view that the case of the prosecution does not stand proved and it has fallen short of the requisite standard of proof required in criminal proceedings. Therefore, the accused, namely **Karamjit Singh, Ranbir Singh @ Bala and Dharamjit Singh @ Dharamvir Singh** are hereby acquitted of the charges framed against them. The accused and their sureties stand discharged from their liability under the bonds. The case property, if any, be disposed of as per rules after the expiry of period of appeal/revision, if any. File be consigned to the record room after due compliance.

Pronounced in open Court:
Dated: 20.09.2023

(Ramandeep Neetu-PB0452)
Judicial Magistrate First Class
Samrala.

Typed by Manpreet Kaur/Stenographer Gr III(Directly dictated)

NOTE: This judgment contains 08 pages and each page bears my signatures. All the cuttings have been initialed by me.