

PBBT030051032023



Presented on : 28-02-2023
Registered on : 28-02-2023
Decided on : 20-03-2026
Duration : 3 years, 0 months, 20 days

**In the Court of Gurkirpal Singh Sekhon, PCS
Addl. Chief Judicial Magistrate, Bathinda.
UID:PB 0287**

CNR No.PBBT03-005103-2023
CIS No.CHI-131/2023
Decided on : 20.03.2026

State	Versus	Vishal alias Shahrukh Khan, son of Lachhman Dass, street No.2, Dashmesh Nagar, Bathinda.
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...Accused.

FIR No.52 dated 02.04.2021
Under Sections 457, 380 IPC
P. S. Canal Colony, Bathinda.

Present: Sh.Tarun Goyal, APP for the State.
Accused on bail with counsel, Sh.Sukhpreet Singh, Advocate.

JUDGMENT:

1. Above named accused has been sent up to face trial for having committed the offence punishable under Sections 457, 380 IPC.
2. Brief facts of the case are that on 02.04.2021, Assistant Sub-Inspector (ASI) Akshay Kumar, No. 469/Bathinda, Vardhman Post, Bathinda, along with Constable Harjot Mangla, No. 955/Bathinda, and Constable Rajesh Kumar, No. 1871, was present at Amarapura Basti Theke

Wala Chowk, Bathinda, for the purpose of patrolling and checking suspicious persons. At that time, the Complainant, Ganesh Shah, son of Joginder Shah, resident of Street No. 02, Krishna Colony, Bathinda, appeared before ASI Akshay Kumar and recorded his statement to the effect that he resides at the aforementioned address and works as a contractor at Mahashakti Transformer Factory, Bathinda, while also operating a part-time grocery store from his home. He further stated that Sagar, son of Deepa; Vishal, son of Lachhman Das; and Robin alias Pandey, son of Jeet, frequently visit his shop to purchase groceries. On the night of 31.03.2021, at approximately 10:00 PM, he went to sleep with his family. On 01.04.2021, at about 03:00 AM, he heard the sound of items falling inside the house. Upon waking, he observed the lights were on and saw Sagar, Robin, and Vishal removing belongings from his house. When he raised an alarm, the accused pushed him and fled the scene under the cover of darkness. Upon checking, he found the following items missing i.e. Three mobile phones (Lenovo, Realme X-3); One Computer LED Monitor; One HP Laptop; Three bags and Cash amounting to Rs.25,600/- stored in an almirah. The total value of the stolen property is approximately Rs.45,000/-. He approached the residences of the accused the following morning to request the return of his belongings, but they failed to comply.

The statement was read over to the Complainant, who admitted it to be correct and signed it in Hindi. The statement was attested by ASI Akshay Kumar. Based on the statement, a prima facie case under Sections

457 and 380 of the IPC was made out. The ruqa was sent to the Police Station Canal Colony, Bathinda, through Constable Rajesh Kumar, leading to the registration of the FIR.

Subsequently, ASI Akshay Kumar, accompanied by the police party and the Complainant, visited the spot. On the identification of the Complainant, the Investigating Officer inspected the scene, prepared the site plan, and recorded the statements of witnesses.

The investigation was later taken over by ASI Yusuf Mohammad, No. 954. On 09.05.2022, while the ASI, along with Constable Karampal Singh, No. 2064, and PHG Kashmira Singh, No. 10357, was proceeding towards Buggi Nagar for the search of the accused, the Complainant identified a young man approaching them as the accused, Vishal. The individual was apprehended and identified himself as Vishal alias Shahrukh Khan, son of Lachhman Das. A memo of identification was prepared, signed by the Complainant and witnesses. The accused was arrested following due legal procedure. Arrest memos and intimation to relatives were prepared and duly signed. A personal search of the accused was conducted, though no cash or valuables were recovered at that time, and a separate memo was prepared to that effect.

Statements of witnesses under Section 161 CrPC were recorded at the spot. The accused, Vishal, was brought to Police Station Canal Colony and placed in lock-up. On 10.05.2022, he was produced before the Court, where a two-day police remand was granted. Following the expiry of the police remand, he was produced again and remanded to judicial custody

for 14 days.

It is further submitted that the other two accused, Sagar and Robin alias Pandey, are minors (juveniles). Consequently, a separate complaint against them is being prepared for submission before the Juvenile Justice Board. Statements of witnesses were recorded. After completion of necessary formalities, report under Section 173 Cr.P.C was presented in the Court against the accused Vishal alias Shahrukh.

3. On presentation of challan, copies of challan alongwith documents were supplied to the accused free of costs as required u/s 207 Cr.P.C.

4. Finding a prima-facie case, charge under Sections 457, 380 IPC, was framed against the accused to which he pleaded not guilty and claimed trial.

5. In evidence, the prosecution examined ASI Akshay Kumar, No.469/BTI as PW1 and complainant Ganesh Shah as PW2.

At this stage, the accused **Vishal alias Shahrukh** facing the trial suffered separate statement to the effect that he confess his guilt without any undue pressure, coercion, force and undue influence and with his free will. Lenient view may kindly be taken. It is told to the accused that the accused is not required to admit the guilt and any admission of guilt made by the accused can be taken into consideration for the purpose of conviction of the accused. The accused maintained that he is admitting his guilt voluntarily. It is ensured that the accused is making the statement out of his free will, without any pressure, threat or coercion. Since the

accused had admitted the guilt and opted not to cross-examine the other prosecution witnesses, therefore the other prosecution witnesses were not summoned and the evidence of the prosecution was closed by order.

6. The statement of accused under Section 313 Cr.P.C. was recorded in which the entire incriminating evidence of the prosecution was put to him. Accused prayed that lenient view be taken against him. Accused did not opt to lead defence evidence.

7. I have heard the arguments of learned APP for the State and learned defence counsel, and I have gone through the case file minutely. The following points of consideration arise in order to determine the culpability of the accused:-

1. **Whether the offences punishable under Sections 457, 380 IPC are made out against the accused? OPP**
2. **Whether the prosecution has managed to prove the guilt of the accused beyond any shadow of doubt? OPP**

Points No. 1 & 2

8. In order to prove the guilt of the accused, the prosecution got examined **PW1 ASI Akshey Kumar** has deposed that on 02.04.2021, he was posted at PP Vardhman PS Canal Colony, Bathinda. On that day, he along with police officials were on patrolling duty and were present at Amarpura Basti Main Chowk, Theke Wala, Bathinda, in search of suspicious persons. Ganesh Shah came to him and he recorded his statement, Ex.PW1/A, which was signed by Ganesh Shah and attested by him. He scribed police proceedings Ex.PW1/B. He sent the statement

along with police proceedings to PS through SC Rajesh Kumar and, on the basis of which, FIR Ex.PW1/C was lodged by ASI Sukhram Singh; he identifies his signature on the same. Thereafter, the complainant brought the police party to the spot, where he prepared the sought site plan Ex.PW1/D at the instance of the complainant. During the investigation on 05.04.2021, Sagar brought the police party to his house as per his disclosure statement and recovered a computer LED Monitor from an iron trunk, which was identified by the complainant Ganesh Shah. The LED was taken into police possession vide Mark PW1/A and he prepared a rough site plan of the place of recovery, i.e., Mark PW1/B. Thereafter, an offence under Section 411 IPC was added vide DDR No.15 dated 05.04.2021, i.e., Ex.PW1/E.

PW2 Ganesh Shah has deposed that he is a contractor in Maha Shakti Transformer Factory Bathinda and runs also a part-time Karyana business in a shop at his house. Sagar, Vishal @ Shahrukh Khan, and Robin used to visit his shop in routine. On the intervening night of the last day of March 2021 at about 3 AM, he heard some noise in his house and he woke up and found that lights were on. He found that 3-4 persons were present in his house and they were Sagar, Vishal @ Shahrukh Khan, and Robin and other persons. These persons fled away from the house after pushing him and they brought the articles which were stolen by them from his house. When he checked his house, he found that 3 mobile phones, one LED monitor, currency of Rs.25600/-, one laptop and three bags were stolen by the above-said accused persons from his house. In the morning, he told

the accused persons to hand over his articles but they did not return the same. In this regard, his statement Ex.PW1/A was recovered. One above-said LED Monitor was recovered from the house of Sagar in his presence by police, which was taken into police possession vide Mark PW1/A on which he brought his signature at Point A. During the investigation, when he was accompanied by the police party, he told the police official that one person who was coming was Vishal @ Shahrukh Khan and police apprehended him. His statement was recorded. He identifies the accused present in court today.

9. Accused has admitted to his guilt voluntarily. Sufficient statutory caution has been given to the accused. It is ascertained that the admission of the guilt made by the is voluntary. As per case law cited as **Santosh Vs. State of Kerala, 2003(1) KLT 795** it is held that the accused can be allowed to admit the guilt at any stage during the trial. I am of the considered opinion that the testimony of PW-1 & PW-2 is sufficient to prove the fact that the accused **accused Vishal @ Shahrukh Khan** had committed trespass in the residence of complainant, with intent to commit theft and had committed theft there. The testimony of the prosecution witnesses are reliable and the admission of the guilt made by the accused is voluntary. The accused has admitted himself to had committed the offences in question. Hence, points of determination are decided in favour of prosecution and against the accused.

10. Keeping in view the evidence produced by prosecution and keeping in view the confessional statement of the accused **accused Vishal**

@ Shahrukh Khan, he is accordingly convicted for having committed an offence punishable under Sections 457, 380 IPC. Accused is taken in custody. Let, he be heard on the question of sentence.

Pronounced:
20.03.2026

(Gurkirpal Singh Sekhon), PCS,
Addl. Chief Judicial Magistrate,
Bathinda/UID No. PB0287

Kapil Kumar
Stenographer-II

QUANTUM OF SENTENCE :

Present: Sh.Tarun Goyal, APP for the State.
Convict in custody, with Counsel.

11. The Convict urged that he is poor person and is facing the agony of law for the past more than three years. He is the sole bread winner member of his family. He will not do any such act in future. Lenient view may kindly be taken. Keeping in view the nature of offence, convict **accused Vishal @ Shahrukh Khan** is ordered to be sentenced equal to the custody period already undergone by him.

12. Case property be disposed of after expiry of period of appeal or revision if any. File be consigned to the record room.

Note: Certified that the judgment/order has been dictated by the undersigned directly on computer.

Pronounced:
20.03.2026

(Gurkirpal Singh Sekhon), PCS,
Addl. Chief Judicial Magistrate,
Bathinda/UID No. PB0287

Kapil Kumar
Stenographer-II