

PBGDA10045212024



Presented on : 28-06-2024
Registered on : 28-06-2024
Decided on : 03-07-2024
Duration : 0 years, 0 months, 5 days

IN THE COURT OF
Judicial Magistrate - Ist Class AT Batala, Gurdaspur
Presided Over by Ms. Baljinder kaur

CHI/343/2024

State	Versus	Malkeet Singh @ Baath S/o Nirmal Singh R/o of Village Rajada, PS Sekhwan, Tehsil Batala District Gurdaspur. Accused.
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F.I.R. No. 18, Dated :- 26.03.2024 Under sections : 379-B, 34 IPC & Section 25-54-59 of Arms Act and Section 411, 379-B (2) IPC were enhanced vide Rapat No. 12, dated 25.05.2024. Police Station : Sekhwan.
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Present : Sh. Tejinder Pal, Ld. APP for the State.
Accused Malkeet Singh @ Bath in custody (produced in court) represented by Sh. Gaurav Chopra, Advocate.

COMMITMENT ORDER

1. The brief facts of the present case as stated in the F.I.R No.18 dated 26.03.2024 are that on 26.03.2024, ASI Harjinder Singh along with other police officials were on patrolling duty on a Govt Vehicle and were patrolling through the villages Budda Kot, Adda Sekhwan and Adda Dehriwal, Tatle and Thakkar Sandhu etc. and when the police party reached at Adda Deriwal where Sunil S/o Sabba Masih R/o Village Thakkar Sandhu along with his father Sabba Masih came present before the IO/ASI Harjinder

Singh and got recorded his statement to the effect that he is resident of above said address and studying in 12th class. The prosecution story is that he stated that on 26.03.2024, at about 07:30 PM, he was returning from Qadian after purchasing a trimming machine to his village Thakkar Sandhu on his Splendor motorcycle bearing registration No. PB58-C-8994. He further submitted that when he reached near village Buttar Kalan, near the bridge canal of Village Thakkar Sandhu, he was restrained by three persons who were on one scooter pleasure of black color without having any registration number. He stated that one young person who was sitting as pillion rider came down from the said scooter and asked the complainant to hand over the motorcycle to him on the gun point. Thereafter, another person who was also sitting as pillion rider came down and snatched his splendor motorcycle from him and fled away from the spot. He stated that all the three accused had muffled their faces and even the complainant could not see the registration number of their scooter as it was dark. On the basis of above said statement of complainant, present FIR under Section 379-B read with 34 IPC and Section 25-54-59 of Arms Act was registered against three unknown persons. During the investigation, on 28.03.2024, when ASI Hajinder Singh along with police party was present at Village Tatle and were conducting checking of vehicles by laying Nakka, suddenly the police party saw one person coming from Village Rajada side on his motorcycle without bearing any registration number. The prosecution story is that when the police party asked him to stop, he became perplexed and tried to flee away

from the spot. However, he was apprehended by the IO with the help of police party. On being confronted by the police, he disclosed his name as Gurpreet Singh @ Gopi. The prosecution story is that when the police party asked him to produce the document of ownership of said motorcycle, he could not produce the same and disclosed that he is having friendly relations with some bad elements at his village and he also disclosed the name of Malkeet Singh @ Bathh. He further stated that the motorcycle which was being driven by him at the time of his apprehension by the police, was taken by him from Malkeet Singh @ Bathh and the said Malkeet Singh also told him that he snatched the same from some person near village Thakkar Sandhu. On the basis of said disclosure statement made by accused Gurpreet Singh @ Gopi, the accused Malkeet Singh @ Bathh was nominated as accused vide Rapat No. 29, dated 28.03.2024 and the offence under Section 411 IPC was also added. The accused Gurpreet Singh @ Gopi and Malkeet Singh @ Baani were also arrested on 29.03.2024 and during their interrogation, they suffered disclosure statement that the said motorcycle was snatched by them and the accused Malkeet Singh @ Bathh. On the basis of said disclosure statement of accused Gurpreet Singh @ Gopi and Malkeet Singh @ Baani, the recovery of weapons used in the alleged occurrence i.e., Knife and datter were made from accused Malkeet Singh @ Baani and Gurpreet Singh @ Bhattu. The recovery of alleged motorcycle was also made from accused and its ownership was got verified from concerned RTO office which was found to be registered in the name of Davinder Singh S/o

Darshan Singh. After completion of investigation against accused Gurpreet Singh @ Gopi S/o Dalbir Singh, Malkeet Singh @ Baani S/o Chanan Singh and Gurpreet Singh @ Bhattu, the challan was presented against these three accused on 28.06.2024 and the same was committed to the Learned District & Sessions Judge, Gurdaspur on 03.07.2024.

2. It has been stated in the police report that on 14.11.2024, when the accused Malkeet Singh @ Bathh was in police custody at police Station Sekhwan, in FIR No. 72, dated 27.07.2022, under section 18-61-85 of NDPS Act and on being interrogated by the IO/ASI Didar Singh, he made disclosure statement that on 26.03.2024, he along with his co-accused namely Gurpreet Singh @ Bhattu and the accused Malkeet Singh @ Bani has stashed the motorcycle from Thakkar Sandhu Road and he has given the said snatched motorcycle to his friend Gurpreet Singh @ Gopi and the pleasure scooty and toy gun used in the alleged occurrence are hidden by him and he can get the same recovered. On the basis of above said disclosure statement, accused Malkeet Singh @ Baath was arrested in the present case on 14.11.2024 and he got recovered the black colored Pleasure Scooty bearing Regd. No. PB06-AA-3954 from the lobby of his house and toy gun from the fields. The ownership of RC of black colored Pleasure Scooty bearing Regd. No. PB06-AA-3954 was got verified from concerned RTO office. After completion of investigation, supplementary challan against present accused Malkeet Singh @ Baath was presented before this court on 28.01.2025.

3. As per report of Ahlmad, the main challan qua accused Gurpreet Singh @ Gopi, Malkeet Singh @ Baani and Gurpreet Singh @ Bhattu was already committed to the Learned District & Sessions Judge, Gurdaspur on 03.07.2024.

4. The copies of the challan and other documents annexed with the challan were supplied to accused Malkeet Singh @ Baath free of cost as provided under Section 207 Cr.P.C. vide his separate statement.

5. From the contents of the FIR and other documents annexed with, the prima facie offences punishable under Sections 379-B, 411, 379-B (2), 34 IPC & Section 25-54-59 of Arms Act are made out, out of which Section 379-B and 379-B (2) IPC are exclusively triable by the Ld. Court of Sessions. **Accordingly, the present supplementary challan qua accused Malkeet Singh @ Bath is hereby committed to the Ld. Court of Sessions for 05.03.2025.** Jail authority is also directed to produce the accused Malkeet Singh @ Baath before the Court of Learned Sessions Judge, Gurdaspur on the date fixed at sharp 10:00 AM. The Ahlmad is directed to send the papers complete in all respects to the Court of Learned Sessions Judge, Gurdaspur well before the date fixed. Ld. Public Prosecutor be also notified about the commitment of this case.

Dated : 25.02.2025
Narinder Kumar
Stenographer II

(Baljinder Kaur)
Judicial Magistrate - Ist Class
Batala/U.I.D No. PB0660

Present : Sh. Tejinder Pal, Ld. APP for the State.
Accused Malkeet Singh @ Baath in custody (produced in
court) represented by Sh. Gaurav Chopra, Advocate.

Today accused Malkeet Singh @ Baath has produced before me
by Jail authorities. He is remanded to judicial custody till 05.03.2025 and he
be produced before the Ld. Court of Sessions Gurdaspur on the date fixed.
His production warrants be issued accordingly.

The copies of the challan and other documents annexed with the
challan and other documents annexed with the challan are supplied to
accused Malkeet Singh @ Baath free of cost as provided under Section 207
Cr.P.C. vide his separate statement.

Since the offence u/s 379-B and 379-B (2) IPC are exclusively
triable by the Ld. Court of Sessions. Therefore, vide my separate
commitment order of even date, the present supplementary challan qua
accused Malkeet Singh @ Baath is hereby committed to the learned Court of
Sessions.

**Jail authority is directed to produce the accused Malkeet
Singh @ Bhaath before the Court of Learned Sessions Judge,
Gurdaspur on the date fixed at sharp 10:00 AM.** The Ahlmad is directed
to send the papers complete in all respects to the Court of Learned Sessions
Judge, Gurdaspur well before the date fixed. Ld. Public Prosecutor be also
notified about the commitment of this case.

Date : 25.02.2025
Narinder Kumar
Stenographer II

(Baljinder Kaur)
Judicial Magistrate - Ist Class
Batala/U.I.D No. PB0660