

**IN THE COURT OF ANSHUMAN SIAG JUDICIAL
MAGISTRATE FIRST CLASS, MALOUT DISTRICT SRI
MUKTSAR SAHIB.**

CNR No. : PBSMB1-000681-2021
File No. : CHI/123/2021
Date of Institution : 18.03.2021
Date of Decision : 01.10.2024

State

Vs.

Joginder Singh son of Atma Singh R/o Village Raniwala Tehsil Malout,
Distt. Sri Muktsar Sahib.

.....Accused

F.I.R. No. 237 dated 15.12.2020
Under Sections 354/323 IPC
Police Station Kabarwala.

Present: Ld. APP for the State.
Accused on bail with counsel Sh. A.S.Sandhu, Adv.

JUDGMENT

1. The present accused has been sent up by the Police of Police Station Kabarwala for facing trial under Sections 354/323 of Indian Penal Code.
2. Brief facts of case of the prosecution are that FIR has been lodged on the statement of Gurmeet Kaur W/o Satnam Singh, R/o Village Raniwala in substance the allegations are that she is resident of above said address and doing the household work. She got married to Satnam Singh son of Sohan , resident of Village Raniwala thirty two years ago. They have three children namely Sukhraj Singh, Manpreet kaur and Sukhwinder Singh. Her both sons in government job and after some time they got marriage of Manpreet Kaur. On 09.12.2020 at about 10.30 PM, they came home from Bathinda Hospital to collect the eye medicine of her husband and her daughter. When they got down from their car and entered in the home then Joginder singh son of Atma Singh R/o Ranniwala who

had been drinking, was standing in front of the house and cursing them for a long time and threw a brick at them. It continued to beat and they all the family went to sleep because they were tired and then she woke up at around 03.30AM she took bath and was going to Gurudwara Sahib of their village at 04.00 AM. She reached her house only a short distance away, Joginder Singh came after her and started abusing her. She stopped short when she saw Joginder Singh holding a stick in his hand, then he made the first blow of his stick which hit the middle finger of her right hand and he again blow of stick which hit on ankle of the left feet. Then he pulled the chunni for her head with force, then her chunni fell in her neck and neck was strangled and there was a crack on her cheek. Then she shouted Marta Marta and on hearing the noise of Gurmeet Kaur, her husband Satnam Singh and her daughter in law Simarjeet Kaur came at the spot and rescued from joginder Singh. Joginder Singh fled away from the spot along with chunni of Gurmeet Kaur and she was unconscious at the spot. Then Satnam Singh arranged a vehicle and admitted her to CHC Allamwala for treatment. The motive behind the occurrence is that her both sons are government officials and he wants to implicate them in a case by fighting without talking. After recording the statement of complainant, Ruqa was sent for registration of F.I.R to the police station and on the basis of which instant FIR was registered and thereafter police recorded the statements of witnesses during investigation. After completion of entire investigation challan against the accused was presented before the court with a prayer to convict and sentence them according to law.

3. On appearance of accused in court, he was supplied with the copy of challan and relevant documents free of cost, as required under section 207 Cr.P.C.

4. Finding a prima facie case punishable under sections 354/323 IPC against accused, he was served with charge sheeted, to which he did not plead guilty and claimed trial.

5. Prosecution examined Complainant Gurmeet Kaur as PW-1 but she did not support the case of prosecution and was declared hostile at the request made by the APP who was permitted to cross-examine him but nothing substantial could come out of it.

6. As, there was no incriminating evidence against the accused, so, recording of statement of the accused under section 313 Cr.P.C. was dispensed with.

7. Heard arguments, advanced by the learned Assistant Public Prosecutor and learned defence counsel and also perused the evidence on record.

In the instant case, the complainant Gurmeet Kaur as PW-1 stated that she did not know about the facts of the case. She has seen the complaint. No such statement ever got recorded by her. Police obtained her signatures on blank papers. Learned APP for the State requested to cross-examine the witness as she has turned hostile but nothing fruitful came in the favour of the prosecution after her cross-examination.

The prosecution in the first instance was to establish the identity of the accused person beyond shadow of reasonable doubt to prove his complicity in the commission of offence. Here in this case, the explicit state of affair is that the complainant who is star witness have not

supported the case of the prosecution. She was declared hostile by Ld.APP for the State and was cross-examined but nothing substantial could come out of it. From her evidence, this cannot be asserted that present accused person has committed the said offence. She was declared hostile by Ld.APP for the State and was cross-examined but nothing substantial could come out of it. Moreover, complainant has completely resiled from her statement.

As such, the case of the prosecution has miserably failed to prove its case as the star witness i.e. complainant has turned hostile and has not known the facts of the present case and no such statement ever got recorded by her. Prosecution has failed to bring on record any material evidence to support its case that accused has caused the said offence.

8. In the circumstance of the case, it is held that prosecution has miserably failed to prove its case against the accused beyond shadow of reasonable doubt rather the case of the prosecution is no case in so far as the accused are concerned. So the accused Joginder Singh present in the court today is acquitted of the charges framed against him due to lack of evidence. Sureties are also discharged from their liability under the surety bonds. Case property if any be disposed off as per rules. File complete in all respect be consigned to the record room after due compliance.

Pronounced:
01.10.2024
Gurvinder kaur

(Anshuman Siag)
Judicial Magistrate First Class
Malout UID No. PB-0661