

**IN THE COURT OF SH. RAJINDER SINGH TEJI, PCS, JUDICIAL
MAGISTRATE FIRST CLASS, FEROZEPUR.
(UID No. PB0427).**

CIS No.CHI/127/2025

CNR No. PBFZ03001127-2025

Date of Reg. 04.02.2025

Date of Decision : 12.11.2025

State of Punjab

Versus

1. Nirmal Singh son of Mohan Singh, resident of village Jang, PS Lakho Ke Behram.
2. Simarjit Singh son of Sukhdev Singh, resident of village Jang, PS Lakho Ke Behram.

.....Accused.

FIR No. 31 Dated 27.04.2017

U/s 420 IPC

Police Station: Cantt Ferozepur.

Present: Sh. Gurkirat Singh, A.P.P for the State.

Both accused on bail being represented by Sh. SPS Sidhu
Advocate.

JUDGMENT:-

The above named accused persons have been sent up by the SHO of Police Station Cantt Ferozepur to face trial of offence under sections 420 IPC.

2. Brief facts of the case, as per prosecution story are that on 27.04.2017, ASI Rashpal Singh, Incharge CIA Staff alongwith ASO Pipal Singh and other police party were on government vehicle which was being driven by HC Sukhdev Singh were present at Pilot Chowk in connection with

Rajinder Singh Teji
JMIC, Ferozepur

patrolling and checking of suspected persons. Complainant Gurmukh Singh came there and got recorded his statement before the I.O ASI Rashpal Singh to the effect that he is resident of above stated address and have passed 10th class. He is a laborer. About 10-12 days ago, he alongwith his relative Happy son of Tikka Singh visited Ferozepur. His brother in law Nirmal Singh, resident of village Jang, and another person namely Simarjit Singh son of Sukhdev Singh met them near court complex. They told him that CIA Staff had called his son Lakhwinder Singh for some work. If he give Rs. 65,000/-, to him, he would save his son from the criminal proceedings. He arranged the aforesaid amount and on the next day in court complex, he gave the same to his relative Nirmal Singh and Simarjit Singh. They told him that he had linked with higher police officers and political leaders. Later on, after verifying through his relatives and other people, he came to know that his son Lakhwinder Singh was not called by any police officer. Nirmal Singh and Simarjit Singh had committed fraud of Rs. 65,000/-. Legal action should be taken against them. From the statement of complainant Gurmukh Singh, offence under section 420 IPC was made out. Ruqa was sent to the police station through HC Kulwant Singh. Statement of witnesses were recorded. On 04.07.2017 accused had produced the orders of Hon'ble Punjab and Haryana High Court and joined the investigation before the ASI Buta Singh. They were formally arrested and then released on their furnishing bail bonds. Statement of witnesses were recorded. After the completion of the investigation, challan against accused under section 420 IPC presented in the court.

3. On presentation of challan, the copies of challan and other documents annexed with it, were supplied to the accused free of costs as required under Section 230 BNS.

4. On the basis of prima facie case, charge under sections 420 IPC was framed against the accused persons, which was read over and explained to them in simple language, to which they pleaded not guilty and claimed trial.

5. In order to prove its case, prosecution examined **Gurmukh Singh complainant as PW1**, who has reiterated his accusations against the accused person on solemn affirmation, gist whereof has already been noticed herein above. However, during his examination certain glaring facts came to the surface, which dismantled the case of prosecution in totality. During his examination, he stated that he do not know the facts of present case and accused present in the court did not commit any fraud with him. Learned APP for the state cross examined, but he did not utter even a single word in favour of prosecution.

6. Then, prosecution examined **Happy eye witness as PW2**, who has reiterated his accusations against the accused person on solemn affirmation, gist whereof has already been noticed herein above. However, during his examination certain glaring facts came to the surface, which dismantled the case of prosecution in totality. During his examination, he stated that he do not know the facts of present case and accused present in the court did not commit any fraud with his relative Gurmukh Singh. Learned APP for the state cross examined, but he did not utter even a single word in favour of prosecution.

6. Then, prosecution examined **ASI Buta Singh as PW-3**, who deposed that on 24.04.2017, he was posted at PS Cantt Ferozepur. On that day, he alongwith other police officials were on patrolling in search of suspected persons and when the police party reached near Pilot Chowk, Ferozepur, Gurmukh Singh came there and got his statement Ex.P1 recorded before ASI Rashpal Singh, who conducted police proceedings Ex.P.2. He identify signature of ASI Rashpal Singh at point A. On the basis of statement of complainant FIR Ex.P3 was registered by him. On 04.07.2017, accused Nirmal Singh and Simarjit Singh were arrested vide memo Ex.P.4. Memo was witnessed by HC Baldev Singh. He recorded statements of concerned witnesses. He identify the accused present in the court.

7. Thereafter, learned APP for the State closed the prosecution evidence as in the present case, complainant was declared hostile and no useful purpose served by examining remaining witnesses.

8. Statement of accused under section 313 Cr.PC was recorded, in which the accused was apprised of the entire incriminating evidence appearing against them, to which accused pleaded innocence. They have pleaded that they have been falsely implicated in the present case. Accused not opted to lead evidence.

9. Sh. Gurkirat Singh, APP for the State has argued that the prosecution has been able to prove its case. Although complainant and eye witness have not supported the case of the prosecution, but otherwise, the same has been proved by the prosecution. Therefore, accused be held guilty.

10. On the other hand, Sh. Sukhdev Singh, Advocate, counsel for accused has argued that prosecution has not been able to prove its case, since complainant Gurmukh Singh PW-1 and PW-2 Happy eye witness has not

supported the case of the prosecution and alleged occurrence has not been proved on record. Therefore, accused are liable to be acquitted.

11. This court has carefully heard Sh. Gurkirat Singh, Ld. APP for State as well as Sh. SPS Sidhu, Advocate, for the accused and have carefully gone through the evidence brought on the file, in light of arguments advanced by learned APP for the State and Ld. defence counsels.

12. The points of determination in present case are that:

“Whether on or before 27.04.2017 in the area of PS Cantt Ferozepur, the above named accused in the furtherance of common intention of each other committed fraud with complainant Gurmukh Singh and took Rs. 65000/- from him on the pretext of fake promise to save his son from criminal proceeding?”

13. The star witness of prosecution is PW-1 Gurmukh Singh and PW-2 Happy not supported the case of the prosecution. They have specifically stated that they do not know the facts of present case and accused present in the court did not commit any fraud with complainant. Learned APP for the state cross examined, but he did not utter even a single word in favour of prosecution.

14. So, in view of resiled statements of complainant Gurmukh Singh and eye witness Happy, prosecution has failed to establish the guilt of accused and there is no evidence on record to link present accused with alleged incident. This court is of the considered view that the ingredients as required for offences under Sections 420 IPC is not proved at all. Criminal cases are not to be decided on preponderance of probabilities but each and every circumstance pleaded by the prosecution has to be proved by it beyond any shadow of reasonable doubt, which in the present case, in view of the court, the prosecution has failed. Therefore, this court, acquit the accused

Nirmal Singh and Simranjeet Singh. Case property, if any, be disposed of as per rules after the expiry of period of appeal or revision if any and its outcome thereof. Accused and surety are hereby discharged from the personal bonds and surety bonds respectively. File be consigned to Judicial Record Room, Ferozepur, after due compliance.

Pronounced in open Court :
Dated : 12.11.2025

(Rajan Dhawan)
Stenographer Gr.II (Directly typed)

Sd/-(Rajinder Singh Teji)
Judicial Magistrate, First Class
Ferozepur/(UID No. PB0427)