

**IN THE COURT OF MS. MONIKA CHOUHAN, PCS,  
SUB DIVISIONAL JUDICIAL MAGISTRATE,  
KHADUR SAHIB/ (UID NO.PB-0424)**

CIS No. CHI/128/2022  
CNR No. PBTTB1000897/2022  
Date of Decision:-14.07.2025

1. State of Punjab

Versus

1. Lal Singh @ Laali son of Kartar Singh resident of village Kalla, P.S.  
Goindwal Sahib,
2. Gurpreet Singh @ Gopi son of Kartar Singh resident of village Kalla,  
P.S. Goindwal Sahib,
3. Kartar Singh son of Rattan Singh resident of village Kalla, P.S.  
Goindwal Sahib.

..... Accused

FIR No. 09 dated 09.01.2016  
U/s 354, 323, 506, 34 of IPC  
P.S. Goindwal Sahib.

Present:- Sh. Ravinder Singh, Ld. APP for the State.  
Accused Lal Singh, Gurpreet Singh & Kartar Singh on bail  
represented by counsel Sh. D.S. Sandhu, Advocate.

**JUDGMENT:-**

**Monika Chouhan**  
**SDJM, Khadur Sahib**

1. The above named accused has been sent to face trial in the FIR no.09 dated 09.01.2016 registered under Sections 354, 323, 506, 34 of Indian Penal Code by the Station House Officer of Police Station Goindwal Sahib.

2. The brief facts of the present case, as per the prosecution's version that on 09-01-2016, SI Parmjeet Kaur Incharge Women Cell, Sub-Division Goindwal Sahib along with Lady Constable Parmjeet Kaur and HC Gurbakhshish Singh were present at the police station. On that day, Kulwinder Kaur wife of Sukhwinder Singh resident of Kalla, appeared and submit the written complaint in which she stated that she is a resident of Kalla and doing household work. She has one daughter and two sons. On 05-01-2016 at around 5:30 PM, her daughter Harpreet Kaur had gone to a shop to buy domestic items. At that time, Laali son of Kartar Singh resident of Kalla, approached her on his motorcycle and words used abuse language to her. Her daughter came home and informed her about the incident. She took her daughter and went to their house to lodge a protest. At their home were Laali, Gopi son of Kartar Singh, and Kartar Singh son of unknown resident of Kalla. She told Kartar Singh that his son Laali had spoken inappropriately to her daughter. Upon hearing this, they all started shouting loudly. Gopi challenged her and said that he is the president of Balmiki Sabha. How dare you come to their house to complain? At that moment, Laali lunged at her, grabbed her neck, and tore her shirt, exposing her chest. Kartar Singh also slapped her and gave threats to kill. her daughter cried

out, thereafter hearing the commotion, people gathered, and the accused ran away. Laali, Gopi, and Kartar Singh collectively beat me, tore her clothes, and humiliated me. Legal action should be taken against them. Respectables have tried to mediate the matter, but no settlement could be reached. Upon finding the case falling under sections 354/323/506/34 IPC, initial investigation was conducted. The investigating officer visited the scene of the incident and prepared a site map. The torn shirt of complainant Kulwinder Kaur, described as off-white with light green and mauve print, was taken into police possession as evidence. Later, ASI Gurinderpal Singh took over further investigation. On 24-07-2021, he arrested the accused Laal Singh (son of Kartar Singh, resident of Kalla) and Kartar Singh (son of Rattan Singh, resident of Kalla), according to legal procedure, and detained them in police custody. On 25-07-2021, thereafter the accused were produced in the Court of Sh. Harpreet Singh, JMFC Tarn Taran, and remanded to judicial custody. Further investigation was then carried out by ASI Lakhwinder Singh, Incharge, Police Post Kang. During this, on 19-08-2022, the third accused Gurpreet Singh (son of Kartar Singh, resident of Kalla) appeared at the police post, accompanied by his surety Charanjit Kaur, Panchayat Member and wife of Sukhdev Singh, resident of Kalla, in compliance with interim bail granted by the Hon'ble Punjab & Haryana High Court, Chandigarh in case CRM No. 14428/M-22. After reading the High Court order thoroughly, ASI Lakhwinder Singh formally arrested Gurpreet Singh in the current case and, in accordance with court orders,

accepted his personal surety and released him on bail. On 14-09-2022, Gurpreet Singh alias Gopi was granted regular bail by the Hon'ble Punjab and Haryana High Court, Chandigarh. The investigation in the case has been fully completed. Statements of witnesses were recorded. Therefore, a challan under Sections 354, 323 and 34 of IPC is being presented against the above-named accused before the Court. A challan under Section 173 Cr.P.C is being submitted in Court.

**Upon appearance of the accused:**

3. The copies of the charge sheet and other documents were supplied to the accused free of cost as per Section 207 CrPC.

**Charge Framed**

4. Finding a prima facie case against all the accused, the Charges under Sections 354, 323, 506, 34 of IPC were framed, to which the accused pleaded not guilty and claimed trial.

**Witnesses examined:**

5. In order to prove its case, prosecution examined PW1 Kulwinder Kaur complainant, PW2 Harpreet Kaur and PW-3 Onkar Singh eye witnesses. Faced with the situation, where star witnesses i.e. complainant Kulwinder Kaur and other witnesses of the prosecution have turned hostile to the case of prosecution. The prosecution evidence was closed by order.

6. Since there was nothing incriminating against the accused, so, recording of statement of accused under section 313 Cr.P.C. was dispensed

with.

7. I have heard the arguments of Ld. APP for the State and the Ld. Defence Counsel and have also gone through the file very carefully. In the present case, the following points of the determination arise:-

1. *Whether on dated 05.01.2016 at about 05:30 PM in the area of village Kalla you accused in furtherance of the common intention of each other assaulted the complainant Kulwinder Kaur and used criminal force with intend to outrage the modesty of the complainant and in furtherance of the common intention of each other voluntarily caused simple hurt to complainant Kulwinder Kaur and also threatened with dire consequences? If so its effect.*
2. *Whether the prosecution has been able to prove its case against the accused beyond shadow of reasonable doubt?*

#### Testimonies of the Witness

8. In order to prove the above points of determination, prosecution has examined **PW-1 Kulwinder Kaur**, who has deposed that she is resident of resident of village Kalla and she is household lady. She has one son and two daughter. On dated 05.01.2016 at about 05:30 PM her daughter Harpreet Kaur went to shop for purchasing domestic articles then some unidentified persons muffled their faces came near her daughter and they abused her daughter. Accused are not those persons who abused her daughter. This witness was declared hostile at the request of the learned APP for the state and was confronted with his statement, but he refused to the lines of learned APP for the state in any manner.

9. The prosecution has examined **PW-2 Harpreet Kaur**, who has deposed that she is resident of village Kallah. On dated 05.01.2016 at about

05:30 PM, she went to shop for purchasing domestic articles then some unidentified persons muffled their faces came near her on motorcycle and abused her. Accused are not those persons who abused her. This witness was declared hostile at the request of the learned APP for the state and was confronted with his statement, but he refused to the lines of learned APP for the state in any manner.

10. The prosecution has examined PW-3 Onkar Singh, who has deposed that he is resident of village Kallah and he is working as security guard at Goindwal Sahib. He did not try to make comprise between Kulwinder Kaur and Kartar Singh and his sons. He did not suffer any statement for taking efforts for compromise. This witness was declared hostile at the request of the learned APP for the state and was confronted with his statement, but he refused to the lines of learned APP for the state in any manner.

11. I have considered the submission of both the sides and have gone through the case file carefully.

12. Perusal of the file reveals that the present FIR has been registered on the basis of statement of complainant Kulwinder Kaur, who had been examined by the prosecution as PW-1 and in her examination-in-chief, she testified that she is resident of resident of village Kalla and she is household lady. She has one son and two daughter. On dated 05.01.2016 at about 05:30 PM her daughter Harpreet Kaur went to shop for purchasing domestic articles then some unidentified persons muffled their faces came

near her daughter and they abused her daughter. Accused are not those persons who abused her daughter. The complainant was cross-examined at length by the Ld. APP for State, where nothing incriminating has come on record against the accused persons. Further, PW2 Harpreet Kaur and PW-3 Onkar Singh also denied as to giving of any statement against the accused to the police. They further denied the identification of accused. They were also cross examined at length by the Ld. APP for the state, where nothing incriminating has come on record against the accused person.

13. In the present case, the material witness of prosecution i.e. PW1 Kulwinder Kaur complainant, PW2 Harpreet Singh and PW-3 Onkar Singh eye witnesses have not supported the case of the prosecution and were declared hostile. Thereafter, they were cross-examined by the Ld. A.P.P. for the State and during their cross-examination, various parts of the statements made by them before the police were put to them. The complainant as well as eye witness however denied having made any such statement.

14. Except for the above said witnesses, there is no direct prosecution evidence on record that could supplement the version of the prosecution with regard to the identity of the accused persons. None of the said witnesses could possibly have established the identity of the accused to that of the persons, who attack to them.

15. Since, there is nothing an iota of evidence, on the basis of which, it can be held that the accused person have committed the offences

involved in the present case, as such, the points raised for determination are accordingly decided in favour of the accused against the prosecution. Thus, the prosecution has failed to prove its case against the accused beyond shadow of reasonable doubt and, therefore, accused persons namely **Lal Singh @ Laali, Gurpreet Singh @ Gopi and Kartar Singh** are acquitted of the charges leveled against them. Case property, if any, be disposed off dealt with after expiry of period of appeal/revision, if any. Applications pending, if any, are disposed off being not pressed. File be consigned to the judicial record-room as per rules.

Pronounced in open Court:  
Date of order 14.07.2025

*Sumit Stenographer-II*

Monika Chouhan, PCS  
Sub Divisional Judicial Magistrate,  
Khadur Sahib (UID-PB0424)

Note: Certified that all the pages of this judgment are signed by me, which have been dictated by me and typed by judgment writer directly on computer.

Present:- Sh. Ravinder Singh, Ld. APP for the State.  
Accused Lal Singh, Gurpreet Singh & Kartar Singh on bail  
represented by counsel Sh. D.S. Sandhu, Advocate.

No PW is present in spite of last opportunity. After availing numerous opportunities prosecution could not conclude the entire prosecution evidence. Accordingly, the prosecution evidence is closed by order. Since there was nothing incriminating against the accused, so, recording of statement of accused under section 313 Cr.P.C. was dispensed with.

Arguments Heard. Vide my separate detailed judgment of even date, accused have been acquitted from the charges framed against them as detailed therein. Accused are directed to furnish bonds under section 481 BNSS Act (earlier section 437-A of Cr.P.C.). All the accused have suffered a statement to the effect that at this stage they do not have surety available with them and they will furnish the surety bonds within 7 days. In view of the statement suffered by the accused, they are directed to furnish surety bonds under section 437-A Cr.P.C within 7 days. Ahlmad is directed to put the papers as and when accused produced the surety bonds. Case property if any, be disposed of as per rules after the expiry of period of appeal or revision and after the decision of appeal or revision if any. File be consigned to record room as per rules.

Pronounced in open Court:  
Date of order 14.07.2025

*Sumit Stenographer-II*

Monika Chouhan, PCS  
Sub Divisional Judicial Magistrate,  
Khadur Sahib (UID-PB0424)