

State Vs Kuldeep Singh_____1

**IN THE COURT OF MS.AMANDEEP KAUR, PCS,
SUB DIVISINAL JUDICIAL MAGISTRATE, GIDDERBAHA**

Challan No.	13
Instituted on :	19.01.2022
CIS No	CHI/13/2022
CNR No.	PBSMA1-000064-2022
Date of Decision	02.11.2022

State

Versus

Kuldeep Singh aged about 31 years son of Iqbal Singh, resident of Bhundar,
Gidderbaha, District Sri Muktsar Sahib.

.....Accused.

F.I.R. No.186 dated 25.11.2021

U/s 174-A of IPC

Police Station Gidderbaha.

* * * * *

Present: Sh Shivdev Singh Gill, Ld.APP for the State.
Accused Kuldeep Singh on bail with Sh S.S. Aulakh, Advocate.

JUDGMENT

1. Accused named above has been sent up to this Court to face trial
for commission of offence punishable under Sections 174-A of IPC, Police
Station Gidderbaha.

2. In nutshell the prosecution story is that accused Kuldeep Singh
was declared PO on 28.02.2018 vide order passed by learned Court of Ms.
Harpreet Kaur, PCS, SDJM/Gidderbaha UID No.PB0272 and Certified copy
of order dated 28.02.2018 was sent to concerned Police Station for
registration of case under section 174-A of IPC. On the basis of which the

Amandeep Kaur, PCS
Sub Divisional Judicial Magistrate ,
Gidderbaha/ UID No. PB0339

present case against accused Kuldeep Singh was registered under section 174-A of IPC. , ASI Baljinder Singh conducted the investigation after registration the case and Accused Kuldeep Singh son of Iqbal Singh, resident of Bunder was arrested in this case on 25.11.2021. Statements of witnesses were recorded under section 161 of Cr.P.C. On completion of investigation proceedings, challan was prepared and presented in Court against above named accused.

3. On appearance of accused before the court, copies of challan alongwith documents annexed thereto supplied to accused free of costs as per section 207 Cr.P.C.

4. After hearing learned APP for the State and learned defence counsel, prima facie a case under section 174-A of IPC was found made out against the accused and has been charge sheeted for said offence to which accused pleaded not guilty and claimed trial.

5. In order to prove its case, prosecution has examined Jatesh Kumar as PW1 and C Deep Singh as PW-2 and thereafter, learned APP for the State close the prosecution evidence.

6. Statement of accused U/s 313 Cr.P.C. recorded, wherein he denied each and every allegation of prosecution and pleaded that he is innocent. He has been falsely implicated in the present case. Accused opted to lead evidence in defence.

Thereafter, accused closed his defence evidence vide separate recorded statement.

7. I have heard learned APP for the state as well as learned

Amandeep Kaur, PCS
Sub Divisional Judicial Magistrate ,
Gidderbaha/ UID No. PB0339

counsel for accused and gone through the evidence and documents on file carefully.

8. Learned APP for State argued as per version of prosecution and oral and documentary evidence on record. He argued that prosecution has examined Investigating Officer who proved all the documents attached with challan prepared during investigation proceedings. Accused did not prove any plea in defence nor he adduced any evidence. He did not rebut evidence of prosecution. Prosecution has been able to prove its case. Prayer is made to convict the accused.

9. On the other hand, Learned Counsel for accused has argued that no case is proved against accused. Identity of accused is also not proved. Prosecution has not been able to prove its case. So, accused be acquitted from the charge framed against him.

10. In order to prove its case, prosecution examined Jatesh Kumar as PW-1 who deposed that he has brought the original record of accused Kuldeep Singh dated 20.02.2018, copy of the proclamation offender order is Ex.P1/PW1 which was issued by Ms. Harpreet Kaur, the then Id. SDJM, Gidderbaha and he has also seen the complaint under section 195 Cr.P.C, copy of the same is Ex.P2/PW1. He identified his signature on the same. His statement was recorded by police.

Then prosecution examined C Deep Singh as PW-2 who deposed that on 25.11.2021 he was posted at PS Gidderbaha. On that day, he alongwith ASI Balwjinder Singh IO and PHG Paramjit Singh were present at village Bhundar for search of accused Kuldeep Singh, Navpreet Singh alias Navi, and

Amandeep Kaur, PCS
Sub Divisional Judicial Magistrate ,
Gidderbaha/ UID No. PB0339

Sandeep Singh and IO asked from Chowkidar Krishan Kumar and he disclosed that Navpreet Kaur and Sandeep Singh left the village since 5-6 years ago and Kuldeep Singh is residing in house then IO alongwith them and Chowkidar raided the house of accused but he did not met where his brother Jagdeep Singh met them and he disclosed that Kuldeep Singh went to Gidderbaha for work of labour. Then IO alongwith them were coming at Gidderbaha when the police party reached GT road village Husnaer where IO received secret information that Kuldeep Singh was standing Husnar chowk and waiting for vehicle for going to his village then IO alongwith them reached at Husnar chowk and accused Kuldeep Singh was apprehended by IO in this case and IO prepared arrest cum intimation memo Ex.P1/PW2 and also prepared personal search memo ExP2/PW2. Above said memos were signed by accused Kuldeep Singh and witnessed by him and PHG Paramjit Singh. On return to the police station, accused was sent to police lock up. His statement was recorded by IO. He identified the accused present in the court.

11. I have given careful consideration to the respective contentions raised by learned Counsel for accused and have gone through the record and evidence on the file carefully.

12. As per case of prosecution, FIR in the present case has been registered against accused Kuldeep Singh on the allegation that accused was declared proclaimed person on 20.02.2018 by the Court of Ms. Harpreet Kaur, Learned SDJM, Gidderbaha in FIR no. 45 dated 18.06.2014 under Section 382, 34 of IPC and section 25, 54, 59 Arms Act, police station Gidderbaha. Accused was arrested in the said case, FIR in this case was registered against

Amandeep Kaur, PCS
Sub Divisional Judicial Magistrate ,
Gidderbaha/ UID No. PB0339

him and he was arrested in this case on 25.11.2021. Challan against accused was presented for offence under section 174-A of IPC and charge against him was framed against him for said offence.

13. In order to prove the offence under Section 174-A of IPC, it was necessary to prove that accused failed to appear at the specified place and time as specified in proclamation published under Section 82 and 83 of Cr.P.C. The Prosecution has been able to prove the charges against the accused. The prosecution has examined as many as two witnesses in this case. PW-1 Jatesh Kumar, Ahlmad who has proved on record proclamation order Ex.P1/PW1 issued by the court of Ms. Harpreet Kaur the then learned SDJM, Gidderbaha. The accused was required to appear before the court of Ms. Harpreet Kaur, the then learned SDJM, Gidderbaha in compliance of proclamation issued, however had failed to appear before the said learned Court and as such committed offence under section 174-A of IPC. PW-2 C Deep Singh deposed and proved the documents executed during the process of the investigation. They were cross examined by the accused but nothing could be extracted from the mouth of these witnesses. The accused has failed to appear before the court in compliance of proclamation issued against him. There is nothing on record to show that he appeared before the court in compliance of order of Court. The law is well settled that testimony of official witnesses cannot be ignored simply on the ground that same is not corroborated by any independent source and it can be ignored only if testimonies of such official witness is not trustworthy. Thus, considering the reliable testimony on behalf of prosecution, there is no hesitation in holding that prosecution has proved its

Amandeep Kaur, PCS
Sub Divisional Judicial Magistrate ,
Gidderbaha/ UID No. PB0339

case beyond any shadow of doubt against accused. Thus, finding accused guilty for offence U/s 174-A of IPC, I convict the accused Kuldeep Singh accordingly. Let, the accused be heard on quantum of sentence.

Pronounced in the open Court:-

Dated 02.11.2022

Munish Garg-Stenographer

(Amandeep Kaur), PCS,
Sub Divisional Judicial Magistrate
Gidderbaha (UID No. PB0339)

QUANTUM OF SENTENCE:

Present: Sh Shivdev Singh Gill, Ld.APP for the State.
Convict Kuldeep Singh on bail assisted by
Sh S.S. Aulakh Advocate.

The convict has been heard on the quantum of the sentence. It has been prayed by the convict that he is poor person and having family to support. It has been prayed that lenient view be taken while deciding the quantum of sentence. In view of facts and circumstances of the case and nature of offence committed by the convict, no lenient view can be taken in terms of the prayer of the convict Kuldeep Singh who consequently, is sentenced as under:

Offence under section	Sentence	In default of payment of fine.
174-A of IPC	Fine of Rs.1000/-	In default of payment of fine to undergo Simple imprisonment of 15 days.

The period of detention already spent by the convict during the course of investigation or trial of the case be set off against the substantive sentence awarded to him. The case property be dealt with as per rules after

Amandeep Kaur, PCS
Sub Divisional Judicial Magistrate ,
Gidderbaha/ UID No. PB0339

expiry of period of appeal/revision, if any. File be consigned to the record room.

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Dated 02.11.2022

Munish Garg-Stenographer

(Amandeep Kaur), PCS,
Sub Divisional Judicial Magistrate
Gidderbaha (UID No. PB0339)