

IN THE COURT OF SH. SUKHPREET SINGH, ADDITIONAL
SESSIONS JUDGE, JHAJJAR (UID No.HR0228)

HRJR010011442012



CIS No.SC-228-2013
Date of Instt.:11.09.2013
Date of Decision: 05.08.2026

State	Versus	
		1. Rajesh @ Puru son of Satbir, resident of Karor, District Rohtak.
		2. Anil @ Leela son of Ram Niwas, resident of Karor, District Rohtak.
		3. Mohit Sharma son of Jogi Ram, resident of village Ghewra, Delhi.
		4. Deepak alias Bania son of Rati Bhan, resident of Dichau Kalan, Delhi.
		5. Hoshiyari wife of Satbir, resident of Karor, District Rohtak (died)
		6. Arun Hooda son of Satbir Singh, resident of Kilo, at present H.No.725/22, Jhang Colony, Rohtak.
		7. Parvesh son of Satbir, resident of Nahra, District Sonapat, at present H.No.34, near Dolat Ram School, Nangloi, Delhi.
		8. Ranbir @ Fauji son of Zile Singh, resident of Ladhot.
		9. Jitender @ Meena son of Suraj Bhan, resident of Khewra, District Sonapat.
		10. Satish son of Rati Ram, resident of Behrana, District Jhajjar. (died)
		11. Sumit Rana @ Sunny son of Rajender, resident of Sector-1, Rohtak. (already declared proclaimed offender vide order

(Sukhpreet Singh)
Additional Sessions Judge-,
Jhajjar, 05.08.2026

dated 30.09.2024)

12. Ved Pal @ Rohtas son of Lal Singh, resident of Khewra, District Sonapat.
13. Naresh @ Shetty @ Om Bhagwan son of Dhani Ram, resident of H.No.262, Ward No.13, Silani Gate, Jhajjar.
14. Raj Kumar @ Raju son of Zile Singh, resident of Basodi, District Sonapat.
15. Suresh @ Sonu @ Sanjay son of Mahender, resident of village Ghewra, Delhi. **(already declared proclaimed offender vide order dated 09.01.2026)**
16. Jai Bhagwan @ Maal son of Satbir, resident of Pinana, District Sonapat
17. Satbir son of Om Parkash, resident of Ward No.1, Priya Colony, Jhajjar.
18. Sandeep alias Kala son of Rajender, resident of village Jateri, District Sonapat.
19. Pawan alias Tiger son of Chand Ram, resident of village Nahra, District Sonapat.
20. Balraj @ Billu son of Manphool, resident of Puthi, at present Jagdish Colony, Hansi.

....Accused persons

FIR No.: 165 dated 10.03.2012
Under Sections: 148, 149, 302, 307, 395, 396, 397, 186, 332, 353,
120B IPC & 25, 29 Arms Act
Police Station: Jhajjar

Case committed by the Court of Ms. Kumud Gugnani, the then Judicial Magistrate, Ist Class, Jhajjar vide orders dated 17.12.2012, 15.04.2013 & 22.01.2014

Argued by: Sh. Dhirender Hooda, Public Prosecutor for the State.

(Sukhpreet Singh)
Additional Sessions Judge,
Jhajjar, 05.08.2026

Accused Raj Kumar @ Raju son of Zile Singh in custody with Sh. Dinesh Kadian, Deputy Legal Aid Defence Counsel
Accused Sumit Rana @ Sunny already declared P.O. vide order dated 30.09.2024

Accused Jitender and Vedpal on bail, whereas, accused Anil @ Chippi and Sandeep @ Kala, Pawan @ Totla and Jai Bhagwan @ Sonu @ Mahal in custody with Sh. R.K.Saharan Advocate

Accused Hoshiyari Devi died
(Proceeding against her already dropped vide order dated 20.05.2024.

Accused Rajesh @ Puran on bail (but in custody in some other case), whereas, accused Ranbir @ Foji in custody with Sh. Randhir Singh, Advocate.

Accused Arun on bail with Sh. Parveen Jakhar, Advocate.
Accused Mohit and Parvesh, on bail with Sh. Samarjeet Nehra, Advocate.

Accused Suresh @ Sonu already declared P.O. vide order dated 09.01.2026

Accused Satbir on bail with Sh.S.S.Goel Advocate

Accused Balraj @ Billu on bail with S/Sh. Narender Kharb and Sachin Kumar Advocates

Accused Deepak @ Bania on bail with Sh. Raunak Chawla Advocate

Accused Naresh @ Shetty in custody with Sh. Sudhir Mohan, Advocate

Accused Satish died
(proceedings against him already dropped vide order dated 28.04.2017)

Judgment:

The above named accused persons have been sent up by Station House Officer, Police Station Jhajjar, to face trial for the commission of offence punishable under Sections 148, 302, 307, 395, 396, 397, 186, 332, 353, 120-B read with Section 149 of Indian Penal Code, 1860 (*for short 'IPC'*) and 25 of Arms Act (*for short 'Act'*).

BRIEF FACTS OF THE CASE :

2. In nutshell, the facts of the prosecution case are that on 10.03.2012, SI Jai Kishan alongwith EASI Surajbhan no.457, EHC

Parveen 1090/Rtk. were present at District Jail Jhajjar in Govt. vehicle bearing no.HR-63A-5980 alongwith driver Constable Rakesh 1001, then an information was received that near Naurangpur turn, a firing has taken place on the escort van of Rohtak. On this information, SI Jai Kishan alongwith other police officials reached at the spot, where it was found that a truck has hit by Escort van on the side and ESI Surender Kumar got his statement recorded to the effect that he is posted as Escort Guard at Police Line, Rohtak. He alongwith EASI Surender No.59, EASI Naresh no.904, HC Ranbir No.283, HC Vinod No.1176, Constable Vivek No.1605 were on duty in escort vehicle make Swaraj bearing registration no.HR-46B-3908 being driven by HC Satpal to produce accused in Rohtak Court from District Jail Bhondsi. EASI Surender was armed with revolver having 12 cartridges, HC Vinod was carrying a riffle having 20 cartridges, Constable Vivek was carrying a carbine having 30 cartridges. All were assigned to bring accused Shri Bhagwan and Dilbagh sons of Sh.Chhaju Ram, Anil @ Fauji son of Sh. Ram Gopal and Ranbir @ Fauji son of Sh.Zile Singh for producing them in the Rohtak Court in case FIR No.411 dated 07.11.2011 under Sections 302, 34 of IPC and 25 of Arms Act, P.S. Sampla and for producing injured Naseem in the Rohtak Court in case FIR No.143/2010 under Section 392 read with Section 34 of IPC, P.S. Sampla. After the Court proceedings, they were taking the accused back to Bhondsi Jail at about 03:15 PM. As they reached Jhajjar-Gurgaon road at Naurangpur turn, a truck driver came in a very rash and negligent

(Sukhpreet Singh)
Additional Sessions Judge,
Jhajjar, 05.08.2026

manner and hit their vehicle on the left side. The driver lost his balance. The number of the truck was HR-63B-1524. Following the truck was three white coloured car carrying 10-12 young boys aged about 20-25 years. All of them were armed with weapons. One of the boy shouted “Naresh and Amitabh, you fire on the right side of the police vehicle and Raju, Sony, you attack the vehicle of the left side and Surender and Sunny, you fire from the back side”, on which, all of them replied “Sandeep we are ready”. Accused Sandeep was guiding all of them. All the boys started firing on the police van indiscriminantly. One bullet hit on HC Vinod and fired on Constable Vivek. Some of the assailants entered in the police escort van by opening the back door. The accused snatched INSAS riffle from HC Vinod and also snatched carbine and ammunition from Constable Vivek and also fired upon the persons sitting in the van. Prisoners Shri Bhagwan, Dilbag and Anil @ Fauji died at the spot due to gun shot injuries. Prisoners Ranbir alias Fauji and Naseem were also got gun shots and were seriously injured. Accused then asked Sandeep to give a call in Jhajjar Jail to Anil and tell him his work was done. All the accused after a conspiracy hit the police van with a truck and restrained the public servant from doing their duty and committed murder of Shri Bhagwan, Dilbag and Anil by firing gun shots and also attempted to commit the murder. Accused persons left a dogga in the police van. It was, thus, requested that appropriate action be taken against them. On the basis of the above-said complaint, an FIR under Sections 148, 149, 302,

307, 395, 396, 397, 186, 332, 353, 120-B of IPC and 25 of Arms Act was registered. Rough site plan was prepared. Investigation was set into motion. Photographs of place of occurrence were taken. Statement of witnesses were recorded. FSL team were called and they inspected the spot of occurrence. DBBL Dogga was taken into possession by making pulanda. Escort van bearing no.HR-46B-3908 and truck bearing registration no.HR-63-B-1524 were taken into police possession. Empty cartridges were taken into police possession. Blood was also lifted which is lying in the police van. On 11.03.2012, proceedings under Section 176 Cr.P.C. were conducted regarding the murder of Shri Bhagwan, Dilbag and Anil by Sh. Raj Kumar Yadav, the then Ld. ACJM, Jhajjar. Post-mortem report of deceased was conducted by a board of doctor at Govt. Hospital, Jhajjar. Cause of death of all the three prisoners is head injury and its complication by fire arm and are ante-mortem in nature. Thereafter, pulandas were prepared and were handed over to police which were taken into possession. During investigation, Rajesh alias Puru was arrested on 11.03.2012 by SI Jai Kishan under Section 120-B of IPC. On 12.03.2012, accused Anil alias Leela was arrested by the police. On 12.03.2012, MLR of injured Vinod, Vivek and Naseeb were taken from PGIMS Rohtak. On 13.03.2012, accused Mohit was arrested by Delhi Police. Disclosure statement of accused Rajesh alias Puru was recorded. On 13.03.2012, ballistic team inspected the police van. Police van and truck was mechanically inspected. On 14.03.2012, accused Deepak alias

Baniya was arrested. On 15.03.2012, accused Hoshiyari Devi was arrested. Recovery of pistol was effected from accused Mohit from his house in pursuance of his disclosure statement. On 16.03.2012, accused Arun Hooda was arrested. On 18.03.2012, accused Parvesh was arrested. His disclosure statement was recorded and demarcation was conducted. On 22.03.2012, accused Satish, Ved Pal alias Rohtash and Jitender was arrested. Their disclosure statement were recorded and demarcation was conducted. On 28.03.2012, accused Naresh alias Shetty alias Om Bhagwan was arrested. His disclosure statement was recorded and demarcation was conducted. On 01.04.2012, accused Raj Kumar alias Raju, Jai Bhagwan alias Sonu, Suresh alias Monu were arrested. Their disclosure statement were recorded and demarcation was conducted. On 04.04.2012, accused Satbir was arrested. Snatched ammunition and riffle of police officials were found in an abandoned car in another case at Delhi, which were taken into the police possession. On 04.05.2012, accused Ranbir alias Fauji was arrested. Accused Sandeep alias Kala and Pawan alias Tiger alias Totla were arrested on 09.05.2012. On 05.01.2013, accused Sumit alias Rana was arrested. After completion of all formalities, challan under Section 173 Cr.P.C. was presented in the Court.

COMMITMENT OF CASE:

3. Copies of challan were supplied to the accused free of costs. Vide orders dated 17.12.2012, 15.04.2013, 22.01.2014, passed by Ms. Kumud Gugnani, the then learned Chief Judicial Magistrate, Jhajjar,

(Sukhpreet Singh)
Additional Sessions Judge,
Jhajjar, 05.08.2026

this case had been committed to the Court of Sessions as the offences punishable under Sections 302 and 307 of IPC is triable by the Court of Sessions for trial of the accused persons and had been kept on the cause of this Court.

CHARGE:

4. The accused persons were charge-sheeted for the commission of offences punishable under Sections 120-B, 395 read with Section 397, 302 read with Section 120-B, 353, 307 IPC and 25 and 29-B of Arms Act on dated 07.02.2014, by the then learned Addl. Sessions Judge, Jhajjar, to which, the accused persons pleaded not guilty and claimed trial.

PROSECUTION EVIDENCE

5. To substantiate its case, the prosecution has examined the following witnesses :-

PW-1	EASI Surender Singh
PW-2	ASI Satpal Singh
PW-3	HC Ranbir Singh
PW-4	Surender Kumar Deputy superintendent in District Jail at Kaithal
PW-5	ASI Naresh Kumar
PW-6	Ramesh Kumar
PW-7	Anup Singh
PW-8	Naseem Khan
PW-9	Subhash Chander, Record-keeper
PW-10	Dr. Kuldeep
PW-11	Ranjeet Singh
PW-12	EASI Shri Bhagwan
PW-13	EASI Kuldeep

(Sukhpreet Singh)
Additional Sessions Judge,
Jhajjar, 05.08.2026

PW-14	Prem Singh
PW-15	Dr. Sunil Lakra
PW-16	HC Rajesh Kumar
PW-17	Ct. Ram Chander
PW-18	HC Ompal (retired)
PW-19	L/HC Savita
PW-20	Ct. Raj Kumar
PW-21	ESI Surender Kumar
PW-22	Jitender, Halka Patwari
PW-23	EASI Kulwanti Singh
PW-24	ASI Rajesh Kumar
PW-25	Ct. Anil Kumar
PW-26	HC Parveen Kumar
PW-27	EASI Krishan Kumar
PW-28	ASI Rajesh
PW-29	ASI Sunder Pal
PW-30	Ct. Vivek Kumar
PW-31	Insp. Jai Parkash
PW-32	ASI Bani Singh
PW-33	HC Surender
PW-34	RT. Bhim Singh
PW-35	Ct. Pardeep
PW-36	Ct. Kuldeep
PW-37	HC Ashok Kumar
PW-38	Gaurav Khatri
PW-39	Wazir Singh. Reader to DM, Jhajjar
PW-40	SI Parveen Kumar
PW-41	HC Dharampal
PW-42	SI Dalvir Singh
PW-43	Subhash Chander, retired SI
PW-44	SI Phool Kumar
PW-45	Insp. Rajpal
PW-46	HC Parveen

(Sukhpreet Singh)
Additional Sessions Judge,
Jhajjar, 05.08.2026

PW-47	DSP Kaptan Singh
PW-48	SI Balwan Singh
PW-49	SI Ramesh Singh
PW-50	Ankita, Crl. Ahlmad
PW-51	Amit Verma, Ahlmad
PW-52	Neetu, SSO
PW-53	ASI Baldev Singh
PW-54	Retd. ASI Rajender
PW-55	PSI Sunil Kumar
PW-56	Jai Kishan (retired SI)
PW-57	Inspector Surender
PW-58	DSP Ajmer Singh
PW-59	Insp. Nayab Singh
PW-60	Dharambir (retired SI)
PW-61	Retd. SI Krishan Kumar
PW-62	Dr. Anil Singh
PW-63	SI Satbir Singh (Retd.)
PW-64	SI Dharambir (Retd.)
PW-65	Sh. Raj Kumar Yadav, the then Ld. ACJM, Jhajjar
PW-66	SI Kumud Kumar Upadhyay
PW-67	Deepak Kumar Sandhu, Nodal Officer
PW-68	Wasim Mohamad, Nodal Officer
PW-69	Insp. Satpal Singh
PW-70	EHC Sumer Singh
PW-71	Inspector Satish Deshwal
PW-72	SI Kanwar Singh
PW-73	HC Sandeep Kumar
PW-74	SI Satnarayan
PW-75	Insp. Sombir

7. In documentary evidence, the prosecution has also relied upon following documents:-

Ex.PX	FSL Report
Ex.PY	FSL Report
Ex.PZ	FSL Repoort
Ex.PW1/A	Statement of Surender Kumar
Ex.D1	Statement of Surender Kumar
Ex.PW4/A	Statement of Surender Kumar
Ex.DB	Statement of Ranbir Singh
Ex.PW6/A	Statement of Ramesh
Ex.PW7/A	Statement of Anoop
Ex.PW10/A	MLR of Naseeb
Ex.PW10/B	MLR of Vinod
Ex.PW10/C	MLR of Ranbir
Ex.PW10/D	MLR of Vivek
Ex.PW10/F	Ruqqa
Ex.PW11/A & Ex.PW11/B	Mechanical reports
Ex.PW12/A	Recovery memo of pistol
Ex.PW15/A	Application for PMR
Ex.PW15/B	PMR of Sribhagwan
Ex.PW15/C	Inquest report
Ex.PW15/D	Application for PMR of Anil
Ex.PW15/E	PMR of Anil
Ex.PW15/F	Inquest report
Ex.PW15/G	Application for PMR of Dilbag
Ex.PW15/H	PMR of Dilbag
Ex.PW15/I	Inquest report
Ex.PW16/A	Disclosure statement of Raj Kumar
Ex.PW16/B	Disclosure statement of Jai Bhagwan
Ex.PW16/C	Disclosure statement of Suresh

Ex.PW16/D to Ex.PW16/F	Memos of demarcations
Ex.PW17/A	Disclosure statement of Mohit
Ex.PW17/B	Sketch of pistol
Ex.PW17/C	Recovery memo of pistol and three cartridges
Ex.PW18/A	Disclosure statement of Satish
Ex.PW18/B	Disclosure statement of Vedpal
Ex.PW18/C	Disclosure statement of Jitender
Ex.PW18/D to Ex.PW18/F	Demarcation memos
Ex.PW19/A	Disclosure statement of Hoshiyare
Ex.PW20/A	Disclosure statement of Naresh @ Shetty
Ex.PW21/A	Recovery memo of photo
Ex.PW21/1 to 52	Photographs
Ex.PW21/1 to 53	CD
Ex.PW22/A	Rough site plan
Ex.PW23/A	Copy of relevant entries in register of arm and ammunition
Ex.PW24/A	Recovery memo of bullet and envelope
Ex.PW24/B	Recovery memo of pieces of cartridge
Ex.PW25/A	Call details of Anil
Ex.PW25/B	Call details of Rajesh
Ex.PW25/C	Call details of Arun Hooda
Ex.PW25/D	Call details of Parvesh
Ex.PW25/E	Call details of Satish
Ex.PW25/F	Call details of Sandeep
Ex.PW26/A	Recovery memo of jail warrant
Ex.PW26/B	Sketch of gun 12 bore
Ex.PW26/C	Recovery memo of gun
Ex.PW26/D	Recovery memo of truck bearing

	no.HR-63B-5124
Ex.PW26/E	Recovery memo of blood
Ex.PW26/F	Recovery memo of blood
Ex.PW26/G	Recovery memo of cartridge
Ex.PW26/H	Disclosure statement of Anil
Ex.PW26/I	Disclosure statement of Rajesh
Ex.PW26/J	Recovery memo of mobile phone
Ex.PW26/K	Statement of Parvesh
Ex.PW26/L	Disclosure statement of Dilbag
Ex.PW26/2	Jail warrant of Dilbag
Ex.PW26/3	Jail warrant of Dilbag
Ex.PW27/A	Mechanical report
Ex.PW27/B	Mechanical report
Ex.PW27/C	Recovery memo
Ex.PW27/D	Demarcation memo
Ex.PW34/A	Disclosure statement of Parvesh
Ex.PW35/A	Disclosure statement of Mohit
Mark-A	Calandara under Section 41.1 Cr.P.C.
Mark-B	Intimation
Mark-C	Disclosure statement of Mohit
Mark-D	Recovery memo of pistol
Mark-E	Disclosure statement of Raj Kumar
Mark-F	Sketch of pistol and cartridge
Mark-G	Disclosure statement of Sanjay
Ex.PW37/A	Sketch of pistol
Ex.PW37/B	Recovery memo of pistol and 5 cartridges
Ex.PW38/A	Sketch of carbine, Magazine and 27 live cartridges
Ex.PW38/B	Recovery memo
Ex.PW38/C	Seizure memo
Ex.PW38/D	Recovery memo of number plates

Ex.PW38/E	Recovery memo of car
Ex.PW38/F	Recovery memo of CD
Ex.PW38/G	Recovery memo
Ex.PW38/H	Site plan
Ex.PW38/I	Recovery memo of INSAS Rifle, plastic magazine
Ex.PW38/J	Sketch of INSAS Rifal, plastic magazine and 20 live cartridges
Ex.PW38/K	Seizure memo
Ex.PW38/L	Recovery memo of PDI
Ex.PW38/L	Sketch of rifle
Ex.PW38/1	Case property i.e. one INSAS Rifle
Ex.PW38/2	Case property i.e. 20 live cartridges
Ex.PW38/3	Case property i.e. Plastic magazine
Ex.PW39/A	Sanction order
Ex.PW40/1	Disclosure statement of Jitender
Ex.PW40/2	Disclosure statement of Vedpal
Ex.PW40/3	Disclosure statement of Satish
Ex.PW41/A	Recovery memo of carbine & INSAS Rifle
Ex.PW41/B	Copy of store-room register
Ex.PW41/C	Road certificate
Ex.PW42/A	Disclosure statement of Sandeep
Ex.PW43/A	Sketch of pistol
Ex.PW43/B	Sketch of pistol
Ex.PW43/C	Recovery memo of double barrel doga
Ex.PW43/D	Sketch of revolver 38 bore
Ex.PW43/E	Recovery memo of revolver 38 bore
Ex.PW43/F	Sketch of pistol
Ex.PW43/G	Recovery memo of pistol 32 bore
Ex.PW43/H	Sketch of pistol 9 mm
Ex.PW43/J	Recovery memo of pistol 2 kartus
Ex.PW44/A	Disclosure statement of Pawan

Ex.PW45/A	Recovery memo of pistol & 32 bore
Ex.PW46/A	Disclosure statement of Sandeep
Ex.PW46/B	Disclosure statement of Pawan
Ex.PW46/C	Demarcation
Ex.PW46/D	Demarcation
Ex.PW51/A	Sketch of pistol 32 bore
Ex.PW52/A	Crime scene visit report
Ex.PW53/A	FIR
Ex.PW53/B	Endorsement
Ex.PW54/A	Recovery memo of pistol, revolver and dogga
Ex.PW56/B	Site Plan
Ex.PW56/C	Memo of havalgi
Ex.PW56/D	Demarcation memo
Ex.PW58/B	Recovery memo
Ex.PW59/A	Site plan
Ex.PW59/B	Disclosure statement of Deepak
Ex.PW59/C	Site plan
Ex.PW59/D	Recovery memo of bullet
Ex.PW59/E	Disclosure statement of Ranbir
Ex.PW61/A	Demarcation memo
Ex.PW63/A	Disclosure statement of Sandeep
Ex.PW63/B	Disclosure statement of Pawan
Ex.PW63/C	Demarcation memo
Ex.PW63/D	Demarcation memo
Ex.PW65/A	Inquest Report
Ex.PW65/B	Application for appointment of a judicial officer
Ex.PW66/A & Ex.PW66/AA	CDs
Ex.PW66/B	Certificate under Section 65-B
Ex.PW66/C to Ex.PW66/F	Challans forms regarding calls
Ex.PW67/A	Customer application form for

	mobile connection
Ex.PW67/B	Copy of DL of Samarjeet
Ex.PW67/C to Ex.PW67/G	Call details
Ex.PW67/H	Certificate under Section 65-B
Ex.PW68/A	Airtel prepaid enrollment form
Ex.PW68/B	Copy of DL of Harsh Parashar
Ex.PW68/C	Airtel prepaid enrollment form
Ex.PW68/D	Voter ID of Amir Ahmed
Ex.PW68/E	Non-availability of CDR
Ex.PW72/A	Recovery memo
Ex.PW73/A	Disclosure statement
Ex.PW73/B	Demarcation memo
Ex.PW74/A	Order-sheet

8. Before adjudicating upon the case, the essential brief of the witnesses examined, is as under:-

PW-1 EASI Surender Singh No.59 deposed that on 10.03.2012, he was posted in Escort Guard, Police Line, Rohtak. On that day, he was deputed with SI Surender No.1119 accompanied with ASI Naresh Kumar; Head Constable Ranbir No.283, HC Vinod no.1176, Constable Vivek No.1605 to produce the prisoners from Bhondsi Jail to District Court, Rohtak at Prisoner Van bearing registration No.HR-46-D/3908 being driven by Satpal Singh, ASI. He was having one revolver alongwith 12 rounds. HC Vinod was having one insas rifle and 20 rounds. Constable Vivek was having one carbine and 20 rounds. They took the custody of prisoners namely Shri Bhagwan, Dilbag, both sons of Chajju Ram, resident of Karor, Anil @ Fauji son of Ram Gopal, resident

(Sukhpreet Singh)
Additional Sessions Judge,
Jhajjar, 05.08.2026

of Chiri, Ranbir @ Fauji son of Zile Singh, resident of Ladhot from Bhondsi Jail, Gurgaon to produce them in case FIR No.411 dated 7.11.2011 under Section 302/34 IPC, P.S.Sampla at District Courts, Rohtak. They also took the custody of Naseeb son of Dhoopkha resident of Gwarka to produce him in case FIR No.143/2010 under Section 302 IPC, P.S.Sampla at District Court, Rohtak. They produced all above accused in concerned courts of District Courts, Rohtak and thereafter, started from Rohtak to lodge them in Bhondsi Jail, Gurgaon in above mentioned in prison van. When they reached near Naurganpur Mor at Jhajjar-Gurgaon Road, at about 3.15 p.m, one truck came from their behind side. The driver of said truck brought his truck on their wrong side while driving the same rashly and negligently at high speed and hit his truck with their prison van towards left side. Driver of their van lost his balance. Truck and their van stopped automatically after the collision. The truck was having the number plate bearing No.HR-63B/1524. In the mean time, three cars of white colour also came there and about 10/12 young persons about 25-30 years old came outside from those cars. All these young persons were having pistols in their hands. One of them asked his companion that Naresh and Amit fired on prisoners of van from right side. That person also asked to Sonu and Raju to make fire on prisoners from left side. He asked his companion by saying Surrender and Sunny to make fire from behind side of van. In reply remaining companions said that alright Sandeep. Accused Sandeep was instructing

remaining above accused persons and on his instructions, all these persons started firing on prisoner van indiscriminately by their respective weapons. Head Constable Vinod sustained one bullet injury on his back, Constable Vivek also sustained bullet injury. Some of the assailants entered in the prisoner van after opening the rear window of the van. The assailants also snatched insas rifle of HC Vinod and carbine of Constable Vivek alongwith animation and thereafter, started indiscriminate firing on prisoners in prisoner van. Prisoners Anilo @ Fauji, Shri Bhagwan and Dilbag succumbed to their injuries at the spot itself. Ranbir and Naseeb prisoners became injured. Some of the assailants asked one of the assailant Sandeep to intimate accused Anil by telephone who was confined in District Jail, Jhajjar that work has been accomplished. Above assailants fled away from the spot with their weapons along with their insas carbine and animation. Assailants had left their one gun in the prisoner van. Surrender, SI intimated Jhajjar/Rohtak Police by phone. Jhajjar Police came at the spot. S.P, Rohtak and S.P, Jhajjar after visited the spot on that day. He has seen statement Exh.PW1/A of EASI Surrender Kumar given to the Jhajjar Police, it bears signatures of SI Surrender at point-A. He identified the signatures of EASI Surrender Kumar on Exh.PW1/A as same was signed by him in his presence.

PW-2 ASI Satpal Singh, no. 581 RTK, deposed that on 10.03.2012, he was posted as a driver in the prison Escort Van bearing registration no.HR46B-3908, Police Line, Rohtak. On that day, he was

deputed with SI Surender No.1119 accompanied with ASI Naresh Kumar; Head Constable Ranbir No.283, HC Vinod no.1176, Constable Vivek No.1605 to produce the prisoners from Bhondsi Jail to District Court, Rohtak. EASI Surender was having one revolver alongwith 12 rounds. HC Vinod was having one insas rifle and 20 rounds. Constable Vivek was having one carbine and 20 rounds. They took the custody of prisoners namely Shri Bhagwan, Dilbag, both sons of Chajju Ram, resident of Karor, Anil @ Fauji son of Ram Gopal, resident of Chiri, Ranbir @ Fauji son of Zile Singh resident of Ladhot from Bhondsi Jail, Gurgaon to produce them in case FIR No.411 dated 7.11.2011 under Section 302/34 IPC, P.S.Sampla at District Courts, Rohtak. They also took the custody of Naseem son of Dhoopkhan resident of Gwarka to produce him in case FIR No.143/2010 under Section 392 IPC, P.S.Sampla at District Court, Rohtak. All above accused persons were produced in concerned courts of District Courts, Rohtak and thereafter, we started from Rohtak to lodge them in Bhondsi Jail, Gurgaon in above mentioned prison van. When they reached near Naurganpur Mor at Jhajjar-Gurgaon Road, at about 3.15 p.m, one truck came from their behind side. The driver of said truck brought his truck on their wrong side while driving the same rashly and negligently at high speed and hit his truck with their prison van towards left side. He lost the balance of his van. When he applied emergency breaks when the iron strip of the above said truck bearing no. HR-63B/1524 got stuck in prison escort van and the truck also stopped

after the collision. In the mean time, they heard the noise of firing of bullets from their back side. In the mean time, three cars of white colour also came there and about 10/12 young persons about 25-30 years old came outside from those cars. One of the accused person had pointed his pistol on his temple. The incharge ESI Surender Singh made a telephonic call to control room. The accused persons kept on firing indiscriminately towards the prisoners who were sitting in his escort van and after the firing and the accused who was pointed a pistol on his temple alighted car bearing no. HR12E-4114. When he went to the back side of prison escort van after the accused persons fled away from there. When he came to know that accused persons have entered into the prisoner van and EHC Vinod Kumar and Constable Vivek were sustaining injuries and the accused persons had also snatched arms and ammunition. He was also told by ESI Surender that the accused persons had shot dead Dilbag, Shri Bhagwan and Anil @ Fauji. He can not identified the accused persons. Volunteered stated that he was threatened by the accused persons on the point of pistol. He was declared hostile and was allowed to be cross-examined on the request of learned Public Prosecutor.

PW-3 HC Ranbir Singh no. 283 RTK, deposed that on 10.03.2012, he was posted in Escort Guard, Police Line, Rohtak. On that day, he was deputed with SI Surender No.1119 accompanied with ASI Naresh Kumar; EASI Surender, HC Vinod no.1176, Constable Vivek No.1605 to produce the prisoners from Bhondsi Jail to District Court, Rohtak at Prisoner Van bearing

registration No.HR-46-D/3908 being driven by Satpal Singh, ASI. EASI Surender was having one revolver along with 12 rounds. HC Vinod was having one insas rifle and 20 rounds. Constable Vivek was having one carbine and 20 rounds. They took the custody of prisoners namely Shri Bhagwan, Dilbag, both sons of Chajju Ram, resident of Karor, Anil @ Fauji son of Ram Gopal, resident of Chiri, Ranbir @ Fauji son of Zile Singh resident of Ladhot from Bhondsi Jail, Gurgaon to produce them in case FIR No.411 dated 7.11.2011 under Section 302/34 IPC, P.S. Sampla at District Courts, Rohtak. They also took the custody of Naseem son of Dhoopkha resident of Gwarka to produce him in case FIR No.143/2010 under Section 392 IPC, P.S.Sampla at District Court, Rohtak. They produced all above accused in concerned courts of District Courts, Rohtak and thereafter, started from Rohtak to lodge them in Bhondsi Jail, Gurgaon in above mentioned in prison van. When they reached near Naurganpur Mor at Jhajjar-Gurgaon Road, at about 3.15 p.m, one truck came from their back side . The driver of said truck brought his truck on their wrong side while driving the same rashly and negligently at high speed and hit his truck with their prison van towards left side. Driver of their van lost his balance. Truck and their van stopped automatically after the collision. The truck was having the number plate bearing No.HR-63B/1524. In the mean time, three cars of white colour also came there and about 10/12 young persons about 25-30 years old came outside from those cars. All these young persons were having pistols in their hands. One of them asked his companion Naresh and Amit to fire on prisoners of van from right side. That person also asked Sonu and Raju to fire shots on prisoners from left side.

He asked his companion Surrender and Sunny to fire shots from back side of van. In reply, remaining companions said that Sandeep, they were ready. Accused Sandeep was instructing remaining above accused persons and on his instructions, all these persons started firing on prisoner van indiscriminately by their respective weapons. Head Constable Vinod sustained one bullet injury on his back, Constable Vivek also sustained bullet injury. Some of the assailants entered in the prisoner van after opening the rear window of the van. The assailants also snatched insas rifle of HC Vinod and carbine of Constable Vivek alongwith animation and thereafter, started indiscriminate firing on prisoners in prisoner van. Prisoners Anil @ Fauji, Shri Bhagwan and Dilbag succumbed to their injuries at the spot itself. Ranbir and Naseem prisoners became injured. Some of the assailants asked one of the assailant Sandeep to intimate accused Anil by telephone who was confined in District Jail, Jhajjar that they have accomplished the task. Above assailants fled away from the spot with their weapons along with their insas carbine and animation. Assailants had left their one gun (Doga) in the prisoner van. Surrender, SI intimated Jhajjar/Rohtak Police by phone. Jhajjar Police came at the spot. S.P, Rohtak and S.P, Jhajjar after visited the spot on that day. He has seen statement Exh.PW1/A, of ESI Surrender Kumar given to the Jhajjar Police, it bears signatures of SI Surrender at point-A. He identified the signatures of ESI Surrender Kumar on Exh.PW1/A as same was signed by him in his presence. ESI Surrender has already passed.

PW-4 Surrender Kumar Deputy superintendent in District Jail at Kaithal, deposed that on 10.3.2012, he was posted as Deputy

superintendent in District Jail at Jhajjar. On that day, ASI Sunderpal incharge of police post Dulina visited in jail. He requested them to search accused Anil @ Chippi who was confined in District Jail Jhajjar and he was having mobile phone. He along with other officials conducted raid to search accused Anil. Two mobile phones along-with two sim cards of Voda phone company and one of Idea company were recovered from the possession of accused Anil. After the recovery of above said mobile phone and SIMs, a letter was written and given to in charge P.P Dulina and addressed to SHO police station Jhajjar for taking necessary legal proceedings against accused Anil. He does not know further regarding the about this case. He was declared hostile and was allowed to be cross-examined on the request of learned Public Prosecutor. In his cross-examination, he deposed that the mobile phones and Sims were recovered from accused Anil @ Chippi on 10.3.2012. He had made inquiries from accused Anil @ Chipi. Upon his inquiry accused Anil @ Chipi had disclosed that ten years prior to 10.03.2012, Shri Bhagwan and the family of Bar committed the murder of his father or that one and a half year thereafter, they had also committed the murder of his uncle Ramesh or that also committed the murder of wife and Aunt of Rajesh @ Puru Sarpanch in the year 2008 on Diwali or that they had nursed and enmity. Anil @ chippi had also disclosed that he along with Puru and hatched a criminal conspiracy to take revenge or that in pursuance of that conspiracy he had higherd before the mobile phone and the sim from Manjeet who was

loaded in the Jail. Puru had made conversation on mobile phone sim no. 925360726. Anil had also disclosed that Puru had handed over Rs.1,00,000/- to his mother 15 days back in pursuance of the criminal conspiracy and also delivered Rs. 4 lakh 4/5 days back. Anil had also disclosed that his mother had handed over the above said amount to Sandeep @ Kala resident of Jathri and Rakesh resident of Kalaur and that on 10.3.2012, Sandeep @ kala had telephonically informed him that Shri Bhagwan and Dilbag have been murdered and also asked him to tell this fact to Puru on mobile phone SIM no. 9253260726 and when he made a call on the phone of Puru at that time he did not receive a call and he had sent SMS and also telephonically informed Jogender @ Jogi to inform Puru regarding the said incident. He could not disclose the above said facts in his examination in chief because he negligently forgot to disclose. His statement was recorded in this respect on 11.03.2012 which is Exh PW4/A. He also identified the case property i.e. two burnt mobile phones (Ex.P1 and Ex.P2) which were got recovered by accused Anil, which were burnt by accused Anil in a Angithi (Ex.P3) which was lying in cell no. 3, block no. 6.

PW-5 ASI Naresh Kumar no.904 deposed that on 10.03.2012, he was posted as Escort Guard at police line Rohtak. On that day, he was deputed in Escort guard to produce the accused in Rohtak Court from Bhondsi Jail Gurgaon. ASI Surender no. 1119, ASI Surender no. 59, HC Ranbir no. 283, Ct. Vivek and some other police official were also accompanied with him on duty of Escort guard. On that day, they took accused Dilbag son of Chajju Ram, Shri

Bhagwan son of Chajju Ram both resident of village Kalaur, Anil @ Fauji resident of Chidi, Ranbir @ Fauji resident of Ladhot, and Naseeb from Bhondsi Jail in van bearing no. HR46B-3908 which was being driven by Satpal. They produced these accused persons in District Rohtak Court and when they were returning on the same vehicle with the accused persons and reached near Norangpur mor at Jhajjar Gurgaon, a truck came from their behind side in high speed and its driver struck his truck on conductor side of their prisoner van. Consequently, driver of their vehicle lost the control. In the mean time, three white colour car came from Jhajjar side and about 10/12 persons alighted from the these cars. All persons were in the age of 20/25 years. Immediately alighted from their cars ,they started indiscriminate firing from there respective fired arms on prisoner van. One of those person asked to person by calling him Naresh and Amitabh to fire on the vehicle from right side, Sonu and Raju to fire on the vehicle from Left side and Sandeep and Sunny to fire on the vehicle from back side. The remaining person replied that they are ready by calling his name Sandeep. Sandeep was instructing remaining assailants. Some of assailants entered from back side after breaking the back door for prisoner van and started firing on prisoners. HC Vinod also sustained bullet injury on his back. Shri Bhagwan, Dilbag and Anil succumbed to their injuries at the prisoner van itself. Randhir @ Fauji and Naseem also sustained bullet injuries. The assailants also snatched rifle of HC Vinod and carbine from Vivek constable. One of the assailant asked Sandeep to telephonically intimate Anil that the task has been completed and all assailants fled away from the spot in their vehicles towards

Jhajjar side. The culprits led the double barrel gun in the prisoner van at the time of recovery.

PW-6 Ramesh Kumar deposed that on 11.03.2012 after receiving information, he visited GH Jhajjar and identified the dead bodies of his uncle Shri Bhagwan and Dilbag son of Sh. Chaju Ram. Police recorded his statement Ex.PW6/A in this respect, which bears his signature.

PW-7 Anup singh, deposed that on 11.03.2012, after receiving information he visited GH Jhajjar and identified the dead body of his cousin brother Anil @ Fauji son of Sh. Ram Gopal. Police recorded his statement Exh PW7/A in this respect, which bears his signature.

PW-8 Naseem Khan deposed that on 10.03.2012, he was lodged in Bhondsi Jail Gurgaon in case FIR no. 143/2010 under section 392 of IPC of police station Sampla. On that day, he along with some other prisoners Shri Bhagwan, Dilbag, Ranbir etc., were produced in Rohtak District Court. On returning when they reached near Norangpur mor in prisoner van, one truck hit prisoner van and thereafter indiscriminate firing was started. He sustained bullet injury on his body and he became unconscious. When he gain consciousness, he found his self admitted in PGIMS Rohtak. Later, he also came to know that his accompanied prisoner Shri Bhagwan, Dilbag and Anil also died in that incident and Ranbir @ Fauji sustained injuries, who is present in the court. He can identify those assailants. He has seen accused who were present in the court. He did not see them at the spot and firing indiscriminately upon

prisoner van. He was declared hostile and was allowed to be cross-examined on the request of learned Public Prosecutor but despite of being cross-examination conducted by learned Public Prosecutor, nothing favourable to the prosecution could be extracted. He categorically denied all the suggestion of the prosecution.

PW-9 Subhash Chander, Record Keeper, PGIMS Rohtak deposed that he has brought CR file no. 27547 of Vivek son of Balwan resident of Kharawar containing of 56 pages , 3 CT scan and 5 X-ray, CR file no. 27548 of Vinod son of Raghbir resident of Vikas Nagar, Rohtak containing of 60 pages, 2 CT scan and 6 X-ray. CR file no. 27555 was not traceable in record room.

PW-10 Dr. Kuldeep Casualty Medical Officer, PGIMS Rohtak, tendered in evidence his duly sworn affidavit Ex. PW-10/E, which bears his signature and deposed that on 10.03.2012, he was posted as Dr. Kuldeep Casualty Medical Officer, PGIMS Rohtak. On that day, he medico- legally examined Naseeb son of Dev, 28 years male, Caste Muslim Prisoner resident of Tavdu Gurgaon vide MLR Exh PW10/A. On that day he also medico-legally examined patient Vinod son of Raghubir Singh, caste Jat, resident of Vikas Nagar Rohtak vide MLR Exh.PW10/B and he medico-legally examined Patient Ranbir son of Jile Singh, 60 years male, resident of VPO Jassia Rohtak vide MLR Exh.PW10/C and he also Medico-legally examined Patient Vivek son of Balwan, 29 years male, caste Jat, resident of VPO Kharman Jhajjar vide MLR Exh PW10/D,

which bears his signatures. He also sent the medical ruqqua Exh PW10/F. Exh PW10/A to Exh PW10/D are carbon copy of MLRs. Original of the same have also been brought by him on that day in the court. He also identified the case property i.e. one Baniyan of white colour, one shirt and jacket of Khakhi colour Exh PW10/1 to Exh PW10/3 of Vinod, which were taken into possession at the time of medico-legally examination of Vinod. He also identified the case property i.e. Teard shirt of Marka Denis spark of Purple colour with black stip, Yellow colour t-shirt blue colour slips and one underwear of blue colour Exh PW10/4 to Exh PW10/6 of Naseeb, which were taken into possession at the time of medico-legally examination of Naseeb.

PW-11 Ranjeet Singh Retired Mechanic from Haryana Road ways Jhajjar deposed that on 14.03.2012, he was posted as Mechanic at Depot of Haryana Road ways Jhajjar. On that day, on the asking of police he mechanically inspected vehicle Sawraj Machda bearing registration no. HR46B-3908 and truck bearing registration no. HR63B-1524. His reports in this respect are Exh PW11/A and Exh PW11/B respectively, which bears his signatures.

PW-12 EASI Shri Bhagwan, no. 631, posted at MM police station Sampla deposed that on 14.03.2012, he was posted as Mohrar Malkhana in police station Sampla. On that day, Inspector Sandeep Kumar Special staff Rohtak had deposited with him one sealed parcel with the seal of SK along with sample seal containing pistol and cartridges which was recovered from the accused Naresh @ Sethi in case FIR no. 113/2012 under section 24/54/59 of Arms Act police station Sampla. On 10.04.2012,

the above said parcel containing country made pistol along with cartridge with the seal of SK and DS along with Sample seal was taken out by him from the Malkhana of P.S Sampla and handed over to Inspector Nayab Singh, SHO P.S Jhajjar the same was taken in to possession vide memo Exh PW12/A which bears his signature. His statement was recorded by the I.O under section 161 Cr.P.C .

PW-13 EASI Kuldeep no. 792 JJR, deposed that during the investigation of this case sealed parcels of case property were deposited by I.O with him being Malkhana Mohrar. He tendered in evidence his duly sworn affidavit Ex. PW13/A.

PW-14 Prem Singh (retired EASI) tendered in evidence his duly sworn affidavit Exh PW14/A which bears his signature regarding his role in the investigation of this case.

PW-15 Dr. Sunil Lakra, deposed that on 11.03.2012, he was working as a Medical officer at G.H Jhajjar. On that day, on police request Exh PW15/A, a Medical board consisting of himself, Dr. Amit Chaudhary and Dr. Anil Kumar was constituted for conducting post mortem on the body of Shri Bhagwan Chand son of Chaju Ram, resident of Karor District Rohtak. They conducted post mortem on the body of Shri Bhagwan Chand son of Chaju Ram and prepared typed copy of post mortem report Exh 15/B which bears his signature as well as signatures of Dr. Amit Chaudhary and Dr. Anil Kumar. He also initialed inquest papers pertaining to Shri Bhagwan running into nine pages which are Exh.PW15/C. On the same day, on police request Exh PW15/D, they also

conducting post mortem on the body of Anil @ Fauji son of Ram Gopal resident of village Chidi District Rohtak and prepared typed copy of post mortem report Exh.15/E which bears his signature as well as signatures of Dr. Amit Chaudhary and Dr. Anil Kumar. He also initialed inquest papers pertaining to Anil @ Fauji son of Ram Gopal running into pages which are Exh PW15/F . On the same day, on police request Exh PW15/G, they also conducting post mortem on the body of Dilbag son of Chaju Ram resident of village Karor District Rohtak and prepared typed copy of post mortem report Exh 15/H which bears his signature as well as signatures of Dr. Amit Chaudhary and Dr. Anil Kumar. He also initialed inquest papers pertaining to Dilbag son of Chaju Ram running into 14 pages which are Exh PW15/I .

PW-16 HC Rajesh Kumar no. 1003 deposed that on 05.04.2012, he was posted at police station Jhajjar. On that day, he was joined by Baljeet Singh SI, along with ASI Rattan Lal. On that day, SI Baljeet Singh interrogated accused Rajkumar, Jai Bhagwan and Suresh separately in compound of police station Jhajjar. Upon interrogation accused Rajkumar, Jai Bhagwan and Suresh suffered their disclosure statement Exh PW16/A, Exh PW16/B and Exh PW16/C respectively regarding their involvement in the present case (objected to). They also offered to demarcate the place of occurrence. He along with EASI Rattan Lal attested their disclosure statements as a witness. Accused persons also put their signatures on their respective disclosure statements. On the same day, accused Rajkumar, Jai Bhagwan and Suresh demarcated the place of occurrence vide memo Exh PW16/D to Exh PW16/F, which was attested by him.

I.O recorded his statement in this respect.

PW-17 Constable Ram Chander no. 1265, deposed that on 16.03.2012, he was posted as constable in police station Jhajjar. On that day, he was joined in the investigation by Inspector/SHO Nayab Singh along with EHC Suresh Kumar. On that day, Inspector Nayab Singh interrogated accused Mohit and upon interrogation, he suffered his fresh disclosure statement Exh.PW17/A regarding his involvement in the present case and offered to get recovered weapon of offence i.e pistol which was kept concealed by him at his residential house in village Ghewra in an almirah. He along with EHC Suresh Kumar signed the same as a witness. Accused also put his signatures on his disclosure statement. On the same day, accused Mohit led the police party at his residential house in village Ghewara, Delhi where he got recovered a pistol of 9 MM which was kept concealed by him in an almirah. On checking there were three live cartridges in its magazine, Inspector Nayab Singh prepared sketch Exh.PW17/B of recovered pistol and cartridges and same were converted into a parcel with the seal of NS and taken into possession vide memo Exh.PW 17/C. He along with EHC Suresh Kumar signed the sketch and recovery memo as a attesting witness. I.O recorded his statement in this respect. He also identified the case property i.e. one pistol of 9 MM Exh P4 and one cartridge Exh P5, which were recovered from accused Mohit.

PW-18 HC Ompal (Retired) deposed that on 23.03.2012, he was

posted in CIA staff Jhajjar. On that day, accused Satish was taken out from the police lock up and interrogated by Ajmer Singh, Inspector in his presence. Upon interrogation accused Satish suffered his disclosure statement Exh.PW18/A (Objected to) regarding his involvement in the present case. The disclosure statement was signed by accused himself and also attested by him as a witness. On the same day, accused Vedpal was taken out from the police lock up and interrogated by Ajmer Singh, Inspector in his presence. Upon interrogation, accused Vedpal suffered his disclosure statement Exh.PW18/B (Objected to) regarding his involvement in the present case, which was signed by accused himself and also attested by him as a witness. On the same day, accused Jitender was taken out from the police lock up and interrogated by Ajmer Singh, Inspector in his presence. Upon interrogation, accused Jitender suffered his disclosure statement Exh.PW18/C (Objected to) regarding his involvement in the present case, which was signed by accused himself and also attested by him as a witness. In pursuance of above-mentioned disclosure statements, I.O had prepared memorandums of demarcation on the demarcation of the place of occurrence by accused Satish, Vedpal and Jitender are Exh.PW18/D to Exh.PW18/F respectively. He attested the same memos as a witness and identified his signature and identified accused Satish, Vedpal and Jitender who were present in the court. His statement was recorded by the I.O in this respect.

PW-19 Lady Head Constable Savita no. 912 JJR, deposed that on 15.03.2012, she was posted in police station Jhajjar. On that day, she was joined investigation by Inspector Ajmer Singh in the present case. Accused

Hoshiyari wife of Satbir was arrested in her presence and EASI Suraj Bhan and the accused Hoshiyar was interrogated by Inspector Ajmer Singh, upon interrogation she suffered her disclosure statement Exh.PW19/A (objected to being confession before the police) regarding her involvement in the present case, which was attested by her and EASI Suraj Bhan as attesting witness. I.O recorded her statement in this respect.

PW-20 Constable Raj Kumar no. 1057, Jhajjar deposed that on 10.03.2012, he was posted in police station Jhajjar. On that day, ASI Baldev Singh handed over him three envelopes containing special report of this case, which he delivered to Id. Illaqua Magistrate without and other senior police officer, without any delay on his part. On 29.03.2012, he was joined investigation by SI Krishan Kumar. On that day, accused Naresh @ Sethi was interrogated and upon interrogation, he suffered his disclosure statement Exh.PW20/A (Objected to) regarding his involvement in the present case, which was signed by accused himself and also attested by him as a witness. I.O recorded his statement in this respect.

PW-21 ESI Surender Kumar No. 460 deposed that on 10.03.2012, he was posted as Photographer in police station, Jhajjar. On that day, he had went to the spot near Orangpur Mor at the instance of I.O and he had taken 52 photographs which are Exh.PW21/1 to Exh PW 21/52 of the spot by a Digital camera. He also made videography of the post mortem of three dead bodies pertaining to this case on 11.3.2012. He got developed the photographs and prepared compact disk Exh.PW21/53 of the videography of the post mortem

which, he handed over to Inspector /SHO Nayab Singh who took into possession the same vide memo Exh PW21/A on 01.05.2012, which bears his signature. I.O recorded his statement in this respect.

PW-22 Jitender, Halka Patwari deposed that on 03.05.2012, he was posted as Halka Patwari of Dadri Toye District Jhajjar. On that day, under the direction of Tehsildar, he had visited at the spot and prepared Aksh Sajra Exh.PW22/A on the pointing of Surender Kumar, ESI and Nayan Singh Inspector with correct marginals notes, which bears his signature.

PW-23 EASI Kulwanti Singh no. 500 Rohtak, deposed that on 09.03.2012, she was posted as Naib KHC in police line Rohtak. On that day, as per office record one Insas bearing no. 16890416 with 20 cartridges were issued for EHC Vinod Kumar no. 1176 RTK and one karbeon body no. 16566466 with 20 cartridges were issued to constable Vivek on 09.03.2012 for the purpose of producing accused persons lodged in Bhondsi Jail in Court Rohtak. On that day, she has also brought original register of arm and ammunition of copy Exh.PW23/A in two pages, which was true copy of relevant entries. I.O recorded his statement in this respect.

PW-24 ASI Rajesh Kumar no. 471 JJR. deposed that on 11.03.2012, he was posted in police station Jhajjar. On that day, he was joined investigation by SI Jai Kishan. On that day after postmortem, doctor handed over one sealed parcel pertaining to deceased Anil, one sealed parcels pertaining to deceased Shri Bhagwan and one sealed parcels pertaining to deceased Dilbag and one sealed parcels containing

three box of bullets sealed with the seal of doctor, one envelop containing forwarding letter, sample seal and PMR of above mentioned deceased which were taken into possession by I.O vide memo Exh PW24/A, which bears his signatures. On 13.3.2012, one FSL team of Madhuban, Karnal visited at police station Jhajjar. On that day, Inspector Nayan Singh deputed him to remain with the FSL team. Said FSL team inspected the spot and thereafter, inspected prisoner van and truck involved in the incidence, which were parked in the compound in police station Jhajjar. During the inspection FSL team found three empty cartridges and some pieces of empty cases which were handed over by FSL team to him and he further handed over to Inspector Nayab Singh. Inspector Nayab Singh converted the cartridges into a parcel and sealed with the seal of SP and were taken into possession vide Exh PW24/B which bears his signature.

PW-25 Constable Anil Kumar, no. 154 JJR, deposed that on 16.04.2012, he was posted as computer operator as PS Jhajjar. On that day, he printed call details of mobile number 8745918991, 9253260726, 9992585443, 9971511141, 9050636377 and 8826217802 which were received through E-mail cyber cell, Jhajjar. During that period his computer was in proper working order. No tempering was made in the call detail by him for any other person in his presence. Call details of Mobile no.8745918991 for the period 01.02.2012 to 11.03.2012 is Exh. PW 25/A. Call detail of 9253260726 is Exh.PW 25/B for the 01.02.2012 to 11.03.2012. Call detail of mobile no. 9992585443 is Ex.PW 25/C for the period of 01.02.2012 to 11.03.2012. Call detail mobile no. 9971511141 is

Exh.PW25/D for the period of 01.11.2011 to 12.03.2012. Call detail mobile no.9050636377 is Exh.PW25/E. Call detail mobile no.8826217802 is Exh.PW25/F. IO took the same in possession and recorded his statement.

PW-26 HC Parveen Kumar, no. 1402 JJR, deposed that on 10.03.2012, he was posted in PS Jhajjar. On that day, he was joined by SI Jai Kishan in the investigation of present case. During the inspection of spot, ESI Surender Kumar handed over Jail warrant of deceased Anil @ fouji, Dilbag and Shri Bhagwan both sons of Chhaju Ram which were taken into possession by SI Jai Kishan vide memo Exh.PW26/A. One two barrel gun was found like imprisonment no. HR-46B-3908. On checking there was an empty cartridge case in its barrel. SI Jai Kishan prepared sketch Exh.PW 26/B of said gun and thereafter converted the same into a parcel which was sealed with the seal of 'SP' and took into possession vide memo Exh.PW26/C. Investigating officer also took into possession truck no. HR-63B-1524 and prisonment no. HR-46B-3908 from the spot vide memo Exh.PW26/D. Investigating officer also lifted blood stains from inside of prisonment and sealed with the seal of 'SP'. That parcel was taken into possession vide memo Exh.PW26/E. IO also lifted blood from the spot lying on road and took into possession the same vide memo EXh.PW26/F after converting into sealed parcel with seal of 'SP'. IO also took into possession empty and live cartridges lying at the spot and in prison van, after converting into sealed parcel with the seal of 'SP' vide memo Exh. PW 26/G. He signed recovery memo and sketch as witness. Investigating officer recorded his statement in this respect. Jail warrant of deceased Anil, Shri Bhagwan and Dilbag are Exh.PW26/1 to 3

respectively. On 13.03.2012, he was again regarding the investigation. On that day, Inspector Naib Singh interrogated accused Anil and Rajesh separately in the compound of police station, Jhajjar in his presence and EHC Suresh. On interrogation, accused Anil and Rajesh suffered there respective disclosure statements Exh. PW26/H and he regarding there involvements in the present case (objected to). Accused Rajesh also offered to get recovered his mobile phone which was kept concealed by him in his house in village Karor. On the same day, in pursuance of disclosure statement accused Rajesh led the police party at his residential house in village Karor and got recovered a mobile phone which was kept concealed by him in an iron Almirha. The colour of mobile phone was black and grey. IO took into possession the same vide memo Exh.PW26/J after converting the same into a sealed parcel with the seal of 'NS'. He along with EHC Suresh signed as witness on disclosure statements and recovery memo. On 18.03.2012, he was again joined in the investigation. On that day, Parvesh suffered disclosure statement Exh.PW26/K.(objected to) On 04.04.2012 accused Satbir also suffered disclosure statement Exh. PW 26/L in his presence (objected to). He identified the case property i.e. one double DBL short gun Ex.P6, which was found lying inside the prison van and another case property i.e. one black and grey colour mobile having MEI no. A1000005236709B along with battery Ex.P7, which was got recovered by accused Rajesh. Mobile phone is Ex.P7.

PW27 EASI Krishan Kumar No. 348, deposed that on 14.03.2012, he had visited premises of police station Jhajjar and mechanically inspected one Sawraj Mazda Van bearing registration No.HR-46B-3908 and

truck Tata bearing registration No. HR-63B-1524 and prepared his reports Exh. PW27/A and Exh. PW27/B respectively, which bears his signatures.

PW28 ASI Rajesh No. 109, JJR, deposed that on 10.03.2012, he was posted as police post Dulina. On that day, he alongwith Anil Kumar, Assistant Superintendent District Jail, Jhajjar was joined in the investigation of case FIR No.167 of 2012 under Section 42/45 Jail Act and 201 IPC, P.S. Jhajjar by ASI Sunder Pal. On that day, Assistant Superintendent District Jail, Jhajjar Shri Anil Kumar had produced before ASI Sunder Pal two burnt mobile phones and three SIM cards, which were taken into possession vide seizure memo Exh. PW28/A. On 11.03.2012, he alongwith HC Paramjeet was again joined in the investigation of case FIR No. 167 of 2012 under Section 42/45 Jail Act and 201 IPC, P.S. Jhajjar and on that day, ASI Sunder Pal had interrogated accused Anil @ Leela and upon interrogation, he suffered disclosure statement Exh. PW28/B (objected to being in the form of confession before police officer in custody) regarding his involvement alongwith co-accused in case FIR No.165/12 under Section 148/149/302/307/395/396/397/332/353/186/120-B IPC and 25 of Arms Act registered at P.S. Jhajjar. He had further disclosed that he can get recovered the Angithi used for burning mobile phones from the jail premises itself and he could get recovered the same from there. Accordingly, accused Anil got recovered aforesaid disclosed Angithi from District Jail, Jhajjar which was taken into possession by IO by recovery memo Exh.PW28/C Accused Anil had also demarcated the place of concealment of Angithi vide memo Exh.PW28/D.

PW-29 ASI Sunder Pal No.210/JJR, deposed that on 10.03.2012, he was posted as Incharge police-post Dulina. On that day, he received information regarding the firing incident taken place on prisoners van near Naurangpur mor. SHO police station, Jhajjar had informed him that Incharge of prisoners Van namely, EASI Surender had informed him that the persons involved in the firing incidents had given information to Anil Chippi who was lodged in District Jail, Jhajjar regarding firing incident. SHO asked him to visit District Jail, Jhajjar went to conduct the search of accused Anil Chippi. He moved an application before Superintendent, District Jail, Jhajjar in this regard. Upon this application, one raid was got conducted in the barrack no.3 of block no.6, where accused Anil was lodged. In that search, two burnt mobiles and three Sim cards were recovered. Shri Anil Kumar, Assistant Superintendent, District Jail, Jhajjar had handed over to him the above-said mobile phones and the sim cards which were taken into possession by him in case FIR No. 167 dated 10.03.2012, under Section 42/45 Jail Act and 201 IPC, P.S. Jhajjar vide memo Exh.PW28/A in presence of Anil Kumar and ASI Rajesh Kumar. On 11.3.2012, he had interrogated accused Anil @ Leela in case FIR No. 167 dated 10.3.2012, under Section 42/45 Jail Act and 201 IPC, P.S. Jhajjar in the court premises, Jhajjar and upon interrogation, he suffered disclosure statement Exh.PW28/B regarding his involvement in case FIR No. 165/12 under Sections 148/149/302/307/395/396/397/332/353/186/120-B IPC and 25 of Arms Act registered at P.S. Jhajjar and he

also disclosed that he had kept concealed one Angithi in block no. 6 and barrack no.3 and he could get the same recovered from there. Thereafter, on the same day, accused Anil @ Leela got recovered the Angithi from the place disclosed by him in his disclosure statement which was taken into possession by me vide recovery memo Exh.PW28/C and he also demarcated the place, where he had burnt the above-said mobile phones in the Angithi vide demarcation memo Exh. PW28/D. He also identified the case property i.e. two burnt mobile phones i.e. Exh. PW29/1 and Exh.PW29/2; another case property i.e. three mobile sims Exh. PW29/3 to Exh.PW29/5 which were got recovered in case FIR No. 167 dated 10.03.2012, under Section 42/45 Jail Act and 201 IPC, P.S. Jhajjar by accused Anil @ Leela and another case property i.e. one Angithi Exh.PW29/6, which was also got recovered in case FIR No. 167 dated 10.3.2012, under Section 42/45 Jail Act and 201 IPC, P.S. Jhajjar.

PW30 Constable Vivek Kumar No. 1605/RTK, deposed that on 10.03.2012, he was posted as Escort Guard with ESI Surender Kumar, EASI Surender Singh, EASI Naresh and EHC Vinod, they went to Bhondsi jail, Gurgaon for taking the prisoners and they were to be produced in District Court, Rohtak. They were in a government vehicle bearing registration no. HR-46B-3908. He was having carbine along with 20 rounds. The other police officials were also having weapons. Shribhagwan, Dilbag, Anil @ fouji, Ranbir @ Fouji and Naseem were in the vehicle and after producing the abovesaid person before the concerned court at Rohtak. They were going back to Gurgaon in the prisoner

van. When they reached near Noranpur turn at that time one truck hit the cleaner side of the prisoner van after coming back from the prisoner van. Thereafter, three/four cars came near the prisoner van and ten/twelve young boys alighted from the cars. They were about age of 25/30 years. One of the boys told that “Amitabh and Naresh” to go to the right side of the prisoner van, “Surender and Sunny” to go to back side of the prisoner van, “Raju and Sonu” to go to left side of the prisoner van then all the boys told that they are ready Sandeep was leading them. They started firing. One fire hit on the back of EHC Vinod and they opened the rear window of the van and they entered inside the van. One of them fired at him but it did not hit him. Thereafter, they snatched the rifle with ammunition of EHC Vinod and they also snatched his carbine with the 20 rounds. He sustained injuries when the truck hit the prisoner van. They also opened the fire upon the prisoners inside the van. Shri Bhagwan, Dilbag and Anil succumbed to the fire injuries. Ranbir @ Fouji and Naseem also sustain fire arm injury. Thereafter, he noticed the registration number of the truck and found HR-63B-1524. After some time, PCR reached at the spot and they were shifted to Civil Hospital, Jhajjar and they were referred to PGIMS, Rohtak for the treatment.

PW 31 Inspector Jai Parkash, deposed that on 12.03.2012, he was posted as SHO, P.S South Rohini. On that day, at about 04:00 AM, he along with his staff was busy in the case of a kidnapping and ransom of police station Parshant Vihar. In the mean time, he received a secret information regarding presence of accused Mohit near Ghewara railway. On this information, he conducted raid and apprehended accused Mohit with the help of HC Pardeep. He

detained him under section 41 Cr.P.C. On interrogation, accused Mohit suffered a disclosure statement regarding his involvement in present case. He produced accused before the Ld. Illaqua Magistrate and intimated to concerned Police station, Jhajjar regarding his disclosure statement and arrest. He had also prepared calendra regarding the arrest of accused Mohit. Accused Mohit was arrested by DD entry no. 21A dated 12.3.2012 copy of calendra and DD is marked A and B and disclosure statement of accused Mohit is Mark C.

PW32 ASI Bani Singh, No. 365/OD, deposed that on 12.03.2012, he was posted as HC in P.S South Rohini, Delhi. On that day, he along with ASI Devender and other police officials were present near Kalimata Mandir, Sector-3 Rohini in connection with on patrolling. At about 10:30 AM, he received secret information regarding the arrival of 5/7 certain criminals and they can commit some offence in their area. On this information, he put a Naka at about 11:15 AM two cars came towards us. One was santro car and another car I-10. On the pointing of secret informer, they made signal to stop the same. One person alighted from Santro car and another from i-10 and warned them to clear the passage. Both were having pistol in their hands. They fired on police party and in response, they also fired at those persons. He apprehended Raj Kumar @ Raju son of Zile Singh, R/o Basodi, Sonipat. He was found having a pistol in his possession along with 5 cartridges which were taken into possession vide memo mark D which was attested by him as witness. Accused Raj Kumar suffered his disclosure statement Mark-E regarding his involvement in present case as well as commission of crime other cases. Sketch of recovered pistol and cartridges from

accused Rajkumar is Mark-F. Accused Jai Bhagwan, Sonu, Sanjay @ Monu, Satish, Ved Parkash @ Bedu and Jitender @ Meena were also arrested at that time by the other member of raiding party and recoveries were effected from that. FIR no. 53/2012 PS South Rohini was registered in said incident.

PW33 HC Surender, No. 354, deposed that on 12.03.2012, he was posted as HC in P.S South Rohini, Delhi. On that day, he along with ASI Devender and other police officials were present near Kalimata Mandir, Sector-3 Rohini in connection with on patrolling. At about 10:30 AM, they received secret information regarding the arrival of 5/7 certain criminals and they can commit some offence in their area. On this information, they put a Naka at about 11:15 AM two cars came towards them. One was santro car and another car i-10. On the pointing of secret informer, they made signal to stop the same. One person alighted from Santro car and another from i-10 and warned them to clear the passage. Both were having pistol in their hands. They fired on police party and in response, they also fired at those persons. He apprehended Sanjay @ Sonu son of Mahender Singh, R/o Ghewara. Accused Jai Bhagwan, Sonu, Raj Kumar @ Raju, Satish, Ved Parkash @ Bedu and Jitender @ Meena were also arrested at that time by the other member of raiding party and recoveries were effected from that. FIR no. 53/2012 PS South Rohini was registered in said incident. Accused Sanjay @ Monu suffered disclosure statement Mark G regarding his involvement in present case on the interrogation by Parveen Kumar SI, which was attested by him.

PW34 Retired SI Bhim Singh deposed that on 16.03.2012, he

was posted as SI/SHO of P.S Shivaji Colony Rohtak. On that day, he interrogated accused Parvesh son of Satbir Singh in case FIR no. 68 dated 14.3.2012 u/s 307/332/353/186 IPC and 25/54/59 Arms Act. On interrogation, accused Parvesh had suffered his disclosure statement Exh.PW34/A regarding his involvement in present case, which was attested by ESI Ramphal and ASI Dharmavir. He recorded the statement of PWs.

PW35 Constable Pardeep, No. 590/JJR, deposed that on 15.03.2012, he was joined in the investigation by Naib Singh Inspector. Inspector Naib Singh interrogated accused Mohit in his presence. Upon which, accused suffered his disclosure statement Exh.PW35/A which was signed by him as witness. On same day, accused Mohit demarcated the place of occurrence vide memo Exh.PW35/B.

PW36 Constable Kuldeep no.3494/OD, deposed that on 12.03.2012, he was posted as general duty constable in PS Bawana. On that day, he along with SI Gourav Khatri were on emergency duty. IO received telephonically information that a abandoned Santro car bearing no. HR-51AM- 0442 was parked in MV, Hospital at Puth Khurd, Delhi. Upon which, they reached at the spot. They inspected the car and found that a SAF riffle and magazine were seen lying below the conductor side seat of the car. Key/lock technician namely, Rakesh was called to reach the spot. Crime team was also called. Door of the car was opened with the help of scale. Thereafter, IO recovered the riffle and magazine from the above mentioned Santro Car. Other articles were also recovered from the

Car. On checking the SAF Magazine 27 live cartridges of 9mm were found. Sealed Parcel with the seal of 'GK' was prepared containing SAF riffle, 27 live cartridges of 9mm and one magazine was taken into police possession vide recovery memo. IO recorded his statement. He also identified the case property i.e. one SAF Riffle Exh. PW36/1, 27 live cartridges Exh. PW36/2 (collectively) and magazine Exh. PW36/3, which were recovered from the Santro Car.

PW37 HC Ashok Kumar, No. 645/SPT, deposed that on 02.05.2012, he was posted as HC in PS Kundli. On that day, he along with Inspector Rajpal Singh and EASI Rambir no.207, and others member of police party were on patrolling duty. They received VT that Sandeep and Rakesh were in industrial area in a polo car. When they chased them and tried to stop they fired on the police party. They apprehended accused Sandeep in Rajiv colony, Narela who was carrying a 9mm pistol. On checking by the Inspector Rajpal, five live cartridges were found in recovered 9mm pistol from the accused Sandeep. Sketch of pistol Exh. PW37/A was prepared by Inspector Rajpal, which was signed by him and EASI Rambir. Pistol was converted into sealed parcel by affixing seal of 'RP' and taken into possession vide memo Exh. PW37/B which was signed by him and EASI Rambir as attesting witnesses. IO recorded his statement.

PW38 Gaurav Khatri, deposed that on 12.03.2012, he was posted as SI in police station Bawana. On that day, an information was received by him that a abandoned car is parked in the parking of MV Hospital at Puth Khurd Delhi. Upon which, they reached at the spot and

found a Santro Car bearing no. HR-51AM-0442. They searched the car and found a carbine 'SF' with magazine, 27 live cartridges and gate pass in the dash board of the car and two number plates in the back of car. He prepared sketch carbine, Magazine and 27 live cartridges which is Exh.PW38/A. The carbine, magazine and 27 live cartridges were converted into a sealed parcel and taken into possession vide memo Exh. PW 38/B. Gate pass was taken into possession by recovery memo Exh. PW38/C and two number plates were taken into possession vide recovery memo Exh. PW38/D after converting the same into sealed parcel. Santro bearing no. HR-51AM-0442 was taken into possession vide seizure memo Exh. PW38/E. PCR call form was also taken into possession vide recovery memo Exh. PW38/F and form is Exh. PW38/G. Ct. Kuldeep signed the memo as attesting the witness. He prepared rough site plan of place of recovery of Santro car which is PW38/H. Thereafter, recovered Santro was shifted to PS Bawana and case property was deposited to MM. In the intervening night of 12/13-3/12 again search of the Santro car was made after listening the calls of PCR calls and found one INSAS Rifal, plastic magazine and 20 live cartridges from the diggi of the car which were kept under the CNG cylinder. Photographs mark A to E were clicked. These articles were converted in to sealed parcel and taken into possession vide recovery memo Exh.PW38/I. Before taking into possession sketch of INSAS Rifal, plastic magazine and 20 live cartridges was prepared which is Exh. PW38/J. Inspector Sanjeev Kumar signed Exh. PW38/I and Exh.

PW38/J as attesting witness. On 19.03.2012, Kumudh Kumar Upadhyay SI produced one CD containing voice recorded which was taken into possession vide seizure memo Exh. PW38/K after converting the same into a sealed parcel duly sealed with seal of 'GK'. He also identified the case property i.e. one SAF Rifle Exh. PW36/1, 27 live cartridges Exh. PW36/2 (collectively) and magazine Exh. PW36/3, which were recovered from the Santro Car at hospital parking. He also identified the case property i.e. one INSAS Rifle Exh. PW38/1, 20 live cartridges Exh. PW38/2 (collectively) and Plastic magazine Exh. PW38/3, which were recovered from the Santro Car of diggi at PS Bawana.

PW39 Wazir Singh Reader to District Magistrate Jhajjar, deposed that he has seen sanction order Exh. PW39/A issued against accused Mohit son of Jogiram, R/o village Ghewara Delhi, which was issued by Sh. Ajit Balaji Joshi IAS the then, District Magistrate Jhajjar. He identified the signatures of SH. Ajit Balaji Joshi IAS the then, District Magistrate Jhajjar as he has worked with him and seen him writing and signing the documents during the course of his official duties.

PW40 SI Parveen Kumar, presently posted at PS Aman Vihar, Delhi, deposed that on 12.03.2012, he was posted as SI in P.S South Rohini, Delhi. On that day, the investigation of case FIR no. 53/12 PS South Rohini was entrusted to him. During investigation, he reached to ASI Devender and other police officials who were present near Kalimata Mandir, Machi Market Sector-3 Rohini on patrolling duty. When he

reached there ASI Devender along with his fellow police officials had detained suspected person namely, Sanjay @ Sonu son of Mahender Singh, R/o Ghewara. Accused Jai Bhagwan @ Sonu, Raj Kumar @ Raju, Satish, Ved Parkash @ Bedu and Jitender @ Meena. He made inquiries from all these suspected persons at the spot one by one and took all of them to police station Rohini Delhi. Thereafter, all the accused persons were arrested in case u/s 186/353/307/411/482/34 IPC FIR no. 53/12 PS South Rohini Delhi. In the police station, he started interrogating the accused persons one by one. Accused Sanjay @ Monu suffered disclosure statement Mark G upon interrogation regarding his involvement in the offence committed at Jhajjar which was attested by HC Surender as a witness. He also interrogated accused Raj Kumar @ Raju and upon interrogation, he also suffered his disclosure statement Mark-E regarding his involvement in many other cases including the present case in hand along with the other co-accused persons. Accused Jitender @ Meena also suffered disclosure statement Mark-40/1 regarding his involvement in many other cases including the present case in hand along with the other co-accused persons. The disclosure statement was attested by Ct. Manoj as a witness. Thereafter, accused Vedpal @ Rohtash also suffered disclosure statement Mark-40/2 regarding his involvement in many other cases including the present case in hand along with the other co-accused persons, which was attested by Ct. Sanjay as a witness. Thereafter, accused Satish also suffered disclosure statement Mark-40/3 regarding his involvement in many other cases including the present case in hand along with

the other co-accused persons which was attested by HC Harjit as a witness. He also interrogated accused Jai Bhagwan @ Sonu also suffered disclosure statement regarding his involvement in many other cases including the present case in hand along with the other co-accused persons.

PW41 HC Dharampal, no. 1694/OD, deposed that on 25.04.2012, he was posted as MHCM at police station Bawana. On that day, he handed over one sealed parcel sealed with seal of 'GK' containing carbine and cartridges, and one sealed parcel sealed with seal of 'DP' containing insas rifle along with 20 live cartridges which were deposited in the Malkhana of police station Bawana in case FIR no. 91/12 u/s 25/54/59 Arms Act PS Bawana to Inspector/SHO Naib Singh of police station Jhajjar. The above-said parcels were taken into possession vide memo Exh.PW42/A, which bear his signatures at point 'A'. He has brought the store room register Part-I and original road certificate of the above-said parcels. Photocopy of the store room register is Exh. PW41/B which bears his signatures at point 'A', 'B', 'C', 'D' and 'E' and photocopy of road certificate is Exh.PW41/C which bears his signatures at point 'A'.

PW42 SI Dalvir Singh, No. 116/RR, deposed that on 04.05.2012, he was posted at CIA Sonipat as investigating officer. On that day, on asking of Inspector Kaptan Singh, he joined the investigation of this case. On that day, accused Sandeep @ kala son of Rajender Singh, R/o Jtheri was in police lock up in case FIR no. 136/2012, u/s 186/353/307/34 IPC 25 of Arms Act PS Kundli. Inspector Kaptan Singh had taken out the accused Sandeep from police

lock up for interrogation purpose in his presence. During interrogation, he suffered disclosure statement about twenty seven offences, which was reduced into writing by Inspector Kaptan Singh, which is Exh. PW42/A (objected to) and same was signed by him as witness and accused Sandeep @ Kala also put in signature after assuming the correct.

PW43 Subhash Chander (retired SI), deposed that on 3.5.2012, he was posted at SIT Sonipat. On that day, he arrested that accused Pawan, Deepak, Manjeet and Santraj in case FIR no. 164/12, u/s 398/401 IPC, 25 of Arms Act PS Sadar Sonipat from area of village Radhna. At the time of arrest, accused Pawan was having one dogra gun of 12 bore, a belt having 25 live cartridges and pistol of 9 mm from is right dub, on checking of pistol two live cartridges was found. He prepared the sketch Exh. PW43/A of dogra gun and also prepared the sketch of pistol Exh. PW43/B. He converted the sealed parcel of dogra gun with cartridges and pistol with cartridges into a sealed parcel with the seal of 'SC' and taken into possession vide memo Exh. PW43/C. Sketch and memos were signed by ASI Phool Kumar and EASI Balwan Singh. Thereafter, accused Deepak got recovered a revolver of 38 bore from his right hand. On checking the revolver was empty. He prepared the sketch Exh. PW43/D and pistol was converted into seal of 'SC' parcel, which was taken into possession vide memo Exh. PW43/E, which was signed by same set of witnesses. Thereafter, accused Manjeet who was having a pistol 32 bore in his right hand. He prepared the sketch Exh. PW43/F and same was converted into sealed parcel with the seal of 'SC' and taken into possession vide memo Exh. PW43/G in

presence of the same set of the witnesses. Thereafter, accused Santraj @ Sonu got recovered the 9 mm pistol from his right hand. On checking of pistol, it was found two 9 mm cartridges. He prepared the sketch Exh.PW43/H. Pistol and cartridges converted into sealed parcel with the seal of 'SC' and same was taken into possession vide memo Exh. PW43/J in presence of same set of witnesses. Thereafter, he sent a tehrir to police station Sadar Sonipat through Ct. Rajesh. After reaching the second IO ASI Satbir Singh, he handed over the case property and accused to him for further investigation.

PW44 SI Phool Kumar, no. 222/SPT, deposed that on 03.05.2012, he was posted at SIT Sonipat. On that day, he joined the investigation with SI Subhash. SI Subhash arrested accused Pawan, Deepak, Manjeet and Santraj in case FIR no. 164/12, u/s 398/401 IPC, 25 of Arms Act PS Sadar Sonipat from area of Village Radhna. At the time of arrest, accused Pawan was having one dogra gun of 12 bore, a belt having 25 live cartridges and pistol of 9 mm from his right hand, on checking of pistol two live cartridges were found. SI Subhash prepared the sketch Exh. PW43/A of dogra gun and also prepared the sketch of pistol Exh. PW43/B. SI Subhash converted the sealed parcel of dogra gun with cartridges and pistol with cartridges into a sealed parcel with the seal of 'SC' and taken into possession vide memo Exh. PW43/C. Sketch and memos were signed by him and EASI Balwan Singh. Thereafter, accused Deepak got recovered a revolver of 38 bore from his right hand. On checking the revolver was empty. SI Subhash prepared the sketch Exh.PW43/D and pistol was converted into sealed parcel, which was taken into possession vide memo

Exh. PW43/E which was signed by him and EASI Balwan Singh. Thereafter, accused Manjeet who was having a pistol 32 bore in his right hand. SI Subhash prepared the sketch Exh. PW43/F and same was converted into sealed parcel with the seal of 'SC' and taken into possession vide memo Exh. PW43/G in presence of me and EASI Balwan Singh. Thereafter, accused Santraj @ Sonu got recovered the 9 mm pistol from his right hand. On checking of pistol it was found two 9 mm cartridges. SI Subhash prepared the sketch Exh. PW43/H. Pistol and cartridges converted into sealed parcel with the seal of 'SC' and same was taken into possession vide memo Exh. PW43/J in his presence and EASI Balwan Singh. Thereafter, SI Subhash sent a tehrir to police station Sadar Sonipat through Ct. Rajesh. After reaching the second IO ASI Satbir Singh, he handed over the case property and accused to him for further investigation. Accused Pawan was interrogated by ASI Satbir. During interrogation, he suffered disclosure statement Exh. PW44/A (objected to) about hatching criminal conspiracy with co-accused in the present case. Disclosure statement reduced into writing by ASI Satbir which was signed by him and EASI Balwan Singh as well as accused Pawan.

PW45 Insp. Rajpal, SHO Baroda, District Sonapat, deposed that on 02.05.2012, he was posted at SHO of Police Station Kundli. On that day, when he was present at Nathupur turning point at GT Road, alongwith his staff, through wireless they received information regarding wondering of two person with weapons in the industrial area of Jatola. They made barricades at Halalpur Road in the mean time a VT message was received that Sandeep @ Kala and Rakesh R/o Karor were present in said car bearing registration no.DL-4C-AT-

0113 who were having weapons. They chased that car. Accused Sandeep and his companion fired on SI Sombir and EHC Naresh. He also fired on said car. In that encounter both accused sustained injuries. Rakesh succumbed to his injuries subsequently. One pistol of 32 bore was found in the possession of Rakesh loaded with two cartridges. Accused Sandeep was found one 9 MM pistol loaded with five cartridges. He took into possession recovered pistol and cartridges and got registered FIR no.136 under Section 186/353/307/34 IPC and 25 Arms Act, PS Kundli. Copy of recovery memos are Ex.PW45/A & Ex.PW37/B pertaining to accused Sandeep and Rakesh. Sketch of pistol 9 MM is Ex.PW37/A. Further investigation of said case was conducted by another Investigating Officer.

PW46 Head Constable Parveen no.141 JJR, deposed that on 10.05.2012, he was posted in police station Jhajjar, on that day, he was joined in the investigation of present case by ASI Satbir. ASI Satbir interrogated accused Sandeep @ Kala son of Rajender after taking from the police lock up in the compound of police station Jhajjar. On interrogation, accused Sandeep @ Kala suffered his disclosure statement Ex.PW46/A regarding his involvement in present case along-with other accused person including Ajit @ Chor, R/o Kheri Manajat, District Sonapat. He alongwith ASI Baldev attested the disclosure statement as witness. On same day ASI Satbir also interrogated Pawan @ Totla S/o Chand Ram who suffered his disclosure statement Ex.PW46/B. Accused Sandeep and Pawan also demarcated place of occurrence vide demarcation memos Ex.PW46/C and Ex.PW46/D respectively. He also signed demarcation memo and disclosure statement of both the accused.

PW47 DSP Kaptan Singh, deposed that on 04.05.2012, he was posted as incharge at CIA Sonipat. On that day, he interrogated accused Sandeep @ kala son of Rajender Singh, R/o Jtheri who was in police lock up in case FIR no. 136/2012, u/s 186/353/307/34 IPC 25 of Arms Act PS Kundli in presence of SI Dalbir and ASI Ravinder. On interrogation, he suffered disclosure statement about twenty seven offences including offence of present case. Disclosure statement was reduced into writing by me. Same is Exh.PW42/A (objected to) which was signed by SI Dalbir and ASI Ravinder as witness and accused Sandeep @ Kala also put his signature after admitting the same as correct.

PW48 SI Balwan Singh, no.498, deposed that on 03.05.2012, he was posted at SIT Sonipat. On that day, he joined the investigation with SI Subhash. SI Subhash arrested accused Pawan, Deepak, Manjeet and Santraj in case FIR no. 164/12, u/s 398/401 IPC, 25 of Arms Act PS Sadar Sonipat from area of village Radhna. At the time of arrest accused Pawan was having one dog gun of 12 bore, a belt having 25 live cartridges and pistol of 9 mm from is right dub, on checking of pistol two live cartridges was found. SI Subhash prepared the sketch Exh.PW43/A of dog gun and also prepared the sketch of pistol Exh.PW43/B. SI Subhash converted the seal parcel of dog gun with cartridges and pistol with cartridges into a sealed parcel with the seal of 'SC' and taken into possession vide memo Exh.PW43/C. Sketch and memos were signed by him and SI Phool Singh. Thereafter, accused Deepak got recovered a revolver of 38 bore from his right hand. On checking, the revolver was empty. SI Subhash prepared the sketch Exh.PW43/D and pistol was converted into sealed parcel with the seal

of 'SC', which was taken into possession vide memo Exh.PW43/E which was signed by him and SI Phool Singh. Thereafter, accused Manjeet was found having a pistol 32 bore in his right hand. SI Subhash prepared the sketch Exh. PW43/F and same was converted into sealed parcel with the seal of 'SC' and taken into possession vide memo Exh. PW43/G in his presence and SI Phool Singh. Thereafter, accused Santraj @ Sonu got recovered the 9 mm pistol from his right hand. On checking of pistol, it was found two 9 mm cartridges. SI Subhash prepared the sketch Exh. PW43/H. Pistol and cartridges converted into sealed parcel with the seal of 'SC', which was taken into possession vide memo Exh. PW43/J in his presence and SI Phool Singh. Thereafter, SI Subhash sent a tehrir to police station Sadar Sonipat through Ct.Rajesh. After reaching the second IO ASI Satbir Singh, he handed over the case property and accused to him for further investigation. Accused Pawan was interrogated by ASI Satbir. During interrogation, he suffered disclosure statement Exh. PW44/A (objected to) about hatching criminal conspiracy with co-accused in the present case. Disclosure statement reduced into writing ASI Satbir which was signed by him and SI Phool Singh as well as accused Pawan. He identified the case property i.e. Cartridge belt containing 17 live cartridges, one double barrel dog gun and one pistol of 9 MM which were recovered from Pawan. He also identified the case property i.e. live Cartridges as Ex.PW48/1 to Ex.PW48/17, double barrel gun as Ex.PW48/18, 9 MM pistol PW48/19, one revolver of 38 bore, which from recovered from accused as Ex.PW48/20. He also identified the case property i.e. pistol of 32 bore, which were recovered from accused Manjit as Ex.PW48/21 and

pistol of 9 MM, which was recovered from accused Sartaj as Ex.PW48/22.

PW49 Ramesh Singh SI, 92 RR presently posted at the office of **DSP, Sonapat**, tendered his duly sworn affidavit Ex.PW49/A regarding depositing the case property in malkhana.

PW50 Ankita, Criminal Ahlmad in the court of Sh.Parveen Kumar, ADJ, Sonapat, deposed that he has brought original judicial file of case titled State Vs. Pawan bearing FIR no.164 dated 3.5.2012 under Section 398/401 of IPC and 25 of Arms Act, PS-Sadar, Sonapat on that day. He has seen copy of sketch of gun Ex.PW43/A, sketch of pistol Ex.43/B, recovery memo of gun and pistol Ex.PW43/C, sketch of revolver Ex.PW43/D, recovery memo of revolver Ex.PW43/E, sketch of pistol Ex.PW43/F, recovery memo of pistol Ex.PW43/G, sketch of pistol Ex.PW43/H and recovery memo of pistol Ex.PW43/J, which were true photocopy of the original which were available in summoned file brought by him.

PW51 Amit Verma, Ahlmad in the Court of Sh.D.S. Sheoran, Ld. Sessions Judge, Sonapat, deposed that he has brought original judicial file of case titled State Vs. Sandeep bearing FIR no.136 dated 02.05.2012 under Section 307/186/353/34 of IPC and 25 of Arms Act, PS-Kundli, Sonapat on that day. He has seen photocopy of recovery memo of pistol and five cartridges recovered from accused Sandeep @ Kala dated 2.5.2012 as Ex.PW37/B, recovery memo of pistol 32 bore with cartridges from accused Rakesh Ex.PW45/A, sketch of pistol Ex.PW37/A, sketch of

pistol 32 bore Ex.PW51/A, disclosure statement of Sandeep Ex.PW42/A, which were true copy of the original which he had brought on that day.

PW52 Neetu, Senior Scientific Officer presently posted at SP Office, Jhajjar, deposed that on 10.03.2012, she alongwith his staff visited the spot on the request of SHO of police station Jhajjar. They inspected the spot minutely and prepared report Ex.PW52/A, which bears her signatures.

PW53 ASI Baldev Singh, no.50, Excise staff Jhajjar, deposed that on 10.03.2012, he was posted as ASI at PS-Jhajjar. On that day, statement of EASI Surender Kumar Ex.PW1/A duly endorsed by SI Jai Kishan was received in police station through EHC Parveen Kumar for registration of the FIR, upon which he registered formal FIR of this case. Ex.PW53/A is computer generated copy of FIR which bears his signatures. He also made his endorsement Ex.PW53/B on original tehrir. He sent special report of present case through Constable Raj Kumar to Ld.Area Magistrate and Senior Police Officers. On 10.05.2012, he was joined in the investigation by ASI Satbir Singh. ASI Satbir Singh interrogated accused Sandeep @ Kala and pawan @ Totla separately in his presence and HC Parveen Kumar. On interrogation, accused Sandeep and Pawan made their disclosure statement Ex.PW46/A and Ex.PW46/B (objected to) respectively regarding their involvements in present case alongwith accused persons. He alongwith HC Parveen appended our signatures on both disclosure statements. On same day, accused Sandeep

and Pawan demarcated the place of occurrence vide memo Ex.PW46/C and Ex.PW46/D which bears his signatures.

PW54 Retd. ASI Rajender Singh, deposed that on 16.05.2012, he was posted as Malkhana Mohrar in police station-Sadar, Sonapat. Sealed parcel of case property in case FIR 164 dated 03.05.2012 under Section 398, 401 IPC and 25 of Arms Act had been deposited in Malkhana. On 16.05.2012 Investigating Officer of this case got transferred the case property of said case by the permission of Ld.Illaqua Magistrate. On that day, he handed over one sealed parcel of Doga gun 12 bore with 25 cartridges, one sealed parcel of pistol 9 MM with two cartridge, one sealed parcel of revolver, one sealed parcel of pistol 32 bore, one parcel of pistol 9 MM with two cartridges. All parcels were sealed with the seal of 'SC'. IO of this case took into possession these sealed parcel vide memo Ex.PW54/A which bears his signatures at point-A.

PW55 PSI Sunil Kumar, deposed that on 16.05.2012, he was posted in police station Jhajjar. On that day, investigation of this case was entrusted to him. On that day, he obtained permission from Illaqua Magistrate for transferring the case property of case FIR No.164 dated 03.05.2012 under Section 398/401 IPC 25 of the Arms Act PS Sonapat titled as 'Pawan etc.'. On same day, in compliance of this said transfer direction, ASI Rajender Singh, Malkhana Mohrar of police station Sadar Sonapat handed over him sealed parcel of case property of above case containing one sealed parcel of Doga gun 12 bore with 25 cartridges, one

sealed parcel of pistol 9 MM with two cartridge, one sealed parcel of revolver, one sealed parcel of pistol 32 bore, one parcel of pistol 9 MM with two cartridges. All parcels were sealed with the seal of "SC". I took into possession these sealed parcels vide memo Ex.PW54/A which was attested by ASI Rajender Singh Malkhana Moharar. On returning to police station, he deposited these sealed parcel of case property in Malkhana of police station Jhajjar.

PW56 Jai Kishan (SI retired), deposed that on 10.03.2012, he was posted as Additional SHO, PS-Jhajjar. On that day, he alongwith ESI Surajbhan, EHC Parveen Kumar was present in District Jail Jhajjar for the supervision of security of Hon'ble justice in our Government vehicle no.HR-63A-5980. In the meantime, he received information on his mobile that a firing has been made on escort van near Naurngpur Mor. On this information, he alongwith his staff went to the spot, where he saw that a truck was dashed in the prison escort guard van. ESI Surender Kumar alongwith his staff found present there. ESI Surender Kumar who was Incharge of Escort van got recorded his statement Ex.PW1/A. He made his endorsement Ex.PW56/A and sent the same through EHC Parveen Kumar at police station Jhajjar for registration of the FIR. Dead body of Shri Bhagwan, Anil @ Foji and Dilbag Singh lying in prison van. He intimated about the incident to District Magistrate, Sessions Judge, Jhajjar and Senior Police Officers. He also called FSL team and police photographer Surender Singh ASI at the spot. SI Surender Singh took the

photographs of the spot. He inspected the spot and prepared rough site plan Ex.PW56/B of the place of occurrence. During the inspection of the spot, he lifted the blood stains lying in prison van bearing registration no. HR-46B-3908 and after converting the same into a parcel affixed the seal of "SP" and took into possession vide memo Ex.PW26/B. He also lifted blood from the road and converted into a parcel. Parcel was sealed with the seal of "SP" and took into possession vide memo Ex.PW26/F. Seven live, forty two empty cartridges and seven fired bullet were found inside the van and seventeen live, nineteen empty and two fired bullets were found outside the prison van. He put all this recovered cartridges into a parcel and sealed the same with the seal of "SP". Said parcel was taken into possession vide memo Ex.PW26/G. One double barrel short gun was also found lying inside the prison van on checking, it was containing a empty cartridge. He measured the same and prepared sketch Ex.PW26/B of said gun and after converting into a sealed parcel with the seal of "SP" took into possession vide memo Ex.PW26/C. He also took into possession the prison van and truck which was having registration no. HR-63B-1524 vide memo Ex.PW26/D. ESI Surrender complainant handed over to him jail warrant of deceased person which he took into possession vide memo Ex.PW26/A. All memos were attested by Parveen Kumar EHC. He recorded the statement of Ranbir Singh EHC, Satpal ESI, Surrender Singh EASI, Naresh Kumar ESI of District Rohtak and HC Parveen Kumar under Section 161 Cr.P.C. He dispatched the dead body for post-mortem

at GH Jhajjar. He also got lifted both the prison van and truck for police station Jhajjar. Neetu SSA also inspected the spot. SP, IG, DSP and other senior officers also visited the spot. On 11.3.2012, he went to GH Jhajjar with his staff, where Ld. ACJM conducted inquest proceedings of deceased person. After post-mortem doctor handed over to him three sealed parcel of belongings of deceased person, one sealed parcel containing three small containers of bullets recovered from the dead body of Shri Bhagwan, Dilbag and Anil, post-mortem reports and envelops which he took into possession vide memo Ex.PW24/A which was signed by Rajesh Kumar ASI as witness. He recorded the statement of Rajesh Kumar ASI. He also recorded the statement of Ramesh, Rajender, Anoop and Katar Singh under Section 161 Cr.P.C. On same day, he also joined Surender Kumar DSP in the investigation and recorded the statement under Section 161 Cr.P.C. He conducted the raid in village Karor and arrested accused Rajesh son of Satbir Singh who is present in court today. On returning to police station, he deposited sealed parcel of case property in Malkhana. On 12.03.2015, he produced accused Rajesh before Ld.Illaqua Magistrate and obtained three days police custody. On same day, he also arrested accused Anil who was present in case FIR no.167/12 of Police Station-Jhajjar with the permission of Ld.Area Magistrate. I also obtained the police custody of accused Anil Kumar for three days. Thereafter, he went to PP PGIMS, Rohtak where Jagat Singh MC, PP PGIMS, Rohtak handed over to him. One sealed parcel of belongings of

machine, one sealed parcel belonging of HC Vinod, both sealed with the seal of doctor, which he took into possession vide memo Ex.PW56/C. EHC Jagat Singh signed the same as witness. Thereafter, he went to the PGIMS Rohtak and after obtaining opinion of doctor regarding injured person and recorded the statement of Constable Vinod and Constable Vivek under Section 161 Cr.P.C. Naseem was declared unfit for giving statement. Ranbir injured was already discharged. On 19.03.2012, accused Parvesh was already in police custody demarcated the place of occurrence vide demarcation memo Ex.PW56/D which was signed by Constable Vishv Parkash no.970. He recorded the statement. Remaining investigation was conducting by another Investigating Officers. He also identified the case property i.e. empty cartridges, five bullets, one magazine of pistol etc. Witness identified empty cartridges cases, fired bullets and live cartridges, which were found during the inspection of the spot. He also identified the case property i.e. fired bullets Ex.PW56/1 to Ex.PW56/9, empty cartridges case Ex.PW56/10 to Ex.PW56/70, live cartridges case Ex.PW56/71 to Ex.PW56/93, double barrel gun (already exhibited as Ex.P6). which was found lying inside the prison van.

PW57 Surender Insp., deposed that on 03.06.2012, he was posted as SHO of police station Jhajjar. On that day, after completion of the investigation against accused Rajesh, Anil etc, he had prepared report under Section 173 Cr.P.C., which bears his signatures. He had also prepared report under Section 173 Cr.P.C. against accused Sandeep and

Pawan on 03.08.2012.

PW58 DSP Ajmer Singh, deposed that on 16.03.2012, he was posted as Incharge CIA staff Jhajjar. On that day, during the investigation he had arrested accused Arun son of Jasbir Singh after conducting his personal search vide memo Ex.PW58/A, which was attested by HC Ompal as witness. Stated that on 23.03.2012, he interrogated accused Satish, Vedpal and Jitender separately in CIA staff Jhajjar in presence of HC Ompal. On interrogation accused Satish, Vedpal and Jitender made their disclosure statement Ex.PW18/A, Ex.PW18/B and Ex.PW18/C (objected to) regarding their involvements in the commission of crime in this case. HC Ompal appended his signatures on disclosure statements as witness. On the same day, accused Satish, Vedpal and Jitender also demarcated the place of occurrence vide demarcation Ex.PW18/D, Ex.PW18/E and Ex.PW18/F, which bears signatures of HC Ompal as witness. He recorded the statement of HC Ompal under Section 161 Cr.P.C.

PW59 Insp. Nayab Singh, deposed that on 10.03.2012, he was posted as SHO Police Station Jhajjar. On that day, after receiving the information about the incident visited the spot and gave instruction to Jai Kishan SI who was conducting investigation. On 13.03.2012, he took the charge of investigation. On that day, after receiving the information about the arrest of accused Mohit son of Jogi Ram by Delhi Police, he visited in District Court Rohini and arrested accused Mohit after taking permission.

He obtained his transit remand. On returning to police station, he lodged accused Mohit in police lock up. He took out accused Anil and Rajesh @ Puru from the police lock up and interrogated them separately in presence of EHC Parveen and EHC Suresh Kumar. On interrogation, accused Anil and Rajesh suffered their disclosure statements Ex.PW26/H and Ex.PW26/I regarding their involvements in the present case. Accused Rajesh also offered to get recovered his mobile phone which was kept concealed by him in his residential house at village Karor. Both disclosure statements were signed by EHC Parveen and EHC Suresh Kumar as witness. Accused Rajesh and Anil also appended their signatures on their respective disclosure statements. On same day, accused Rajesh led the police party at his residential house and got recovered his mobile phone which was kept concealed in an Almirah. That mobile was of black and gray colour. He converted the said mobile into a parcel and sealed the same with the seal of 'NS'. He took into possession the said parcel vide memo Ex.PW26/J. He also prepared rough site plan Ex.PW59/A of the place of recovery from accused Rajesh. He also recorded the statements of EHC Parveen and EHC Suresh under Section 161 Cr.P.C. On same day, ballistic team also inspected the prisoner van parked in compound of police station Jhajjar and handed over three fired bullets found during the inspection of the van, he took into possession the same after converting into sealed parcels with the seal of "SP" vide memo Ex.PW24/B. On 14.03.2012, he produced accused Mohit before Ld.Area Magistrate and

obtained his police custody for three days. On same day, he had also arrested accused Deepak @ Baniya from village Dichau. He interrogated accused Deepak in presence of EHC Suresh Kumar and Constable Pardeep, upon which, he suffered his disclosure statement Ex.PW59/B regarding his involvement in this case. He recorded the statements of attesting witnesses. On 15.03.2012, he arrested accused Hoshiyari Devi wife of Satbir Singh, resident of village Karor interrogated her in presence of EASI Surej Bhan and L/C Savita upon which she suffered her disclosure statement Ex.PW19/A regarding her involvement in this case. On same day, he also interrogated accused Mohit and he also suffered his disclosure statement Ex.PW35/A and demarcated the place of occurrence in pursuance of his disclosure statement vide demarcation memo Ex.PW35/B in presence of EHC Suresh Kumar and Constable Pardeep. He recorded their statements. On 16.3.2012, accused Mohit again suffered his additional disclosure statement Ex.PW17/A and disclosed that the pistol used by him in this incident had been concealed at his residential house at village Ghewra in an Almirah. He also disclosed that he had exclusive knowledge of the same and could get recovered the same. Disclosure statement attested by EHC Suresh Kumar and Constable Ram Chander as witnesses. On same day, he led the police party at his residential house and got recovered a pistol of 9 MM after taking out from an Almirah lying in a room. On checking three live cartridges were found loaded. He prepared sketch Ex.PW17/B of recovered pistol and cartridges

and took into possession the same vide memo Ex.PW17/C after converting into a sealed parcel with the seal of “NS”. Sketch and recovery memo were attested by same set of witnesses. He also prepared rough site plan Ex.PW59/C of the place of recovery from accused Mohit. I recorded their statements. On 18.03.2012, he also received information that accused Parvesh son of Satbir, resident of Nahra had been arrested by Rohtak Police. On this information, he went to District Court Jhajjar and joined accused Parvesh in the investigation after due permission. He arrested accused Parvesh in this case and interrogated him, upon which, he suffered his disclosure statement Ex.PW26/K regarding his involvement in presence of EHC Suresh Kumar and EHC Parveen Kumar. Accused Parvesh also disclosed that the weapon used by him has been got recovered by Rohtak police. He also got transferred the weapons in this case recovered from accused Parvesh. On 22.03.2012, he arrested accused Vedpal, Jitender and Satish. On 03.04.2012, he also arrested accused Raj Kumar, Jai Bhagwan and Suresh. On 10.04.2012, EASI Kuldeep Singh Malkhana Mohrar produced one sealed parcel containing bullet recovered from the body of Vinod injured, which he took into possession vide memo Ex.PW59/D. On the same day, he also got transferred the case property recovered from accused Naresh @ Sethi from police station Sampla and took into possession vide memo Ex.PW12/A. EHC Shri Bhagwan MM police station Sampla attested the same as witness. On 16.04.2012, he recorded the statement of injured Naseem Khan under Section 161 Cr.P.C.

and also obtained the call details of suspected mobile phones. On 25.04.2012, he got transferred the case property i.e. Carbine Machine with rounds, Insas Rifle with rounds which were recovered in case FIR no.91/12 under Section 25 of Arms Act of Police Station Bawana, Delhi. These parcels were sealed with the seal of "GK" and "DP" and handed over to him by HC Dharampal Malkhana Mohrar which he took into possession vide memo Ex.PW41/A. HC Dharampal attested the memo as witness. The said Carbine and Insas were snatched away from security guards after committing offence. He recorded the statement of Dharampal HC. On 1.5.2012, EASI Surender Kumar Photographer handed over 52 snaps and one CD of the photography of place of occurrence, which he took into possession vide memo Ex.PW21/A. He also got prepared scaled site plan on 03.05.2012. On 04.05.2012, he arrested accused Ranbir @ Foji and interrogated him upon which he suffered his disclosure statement Ex.PW59/E (objected to) which was attested by Constable Ravinder. He recorded the statement in this respect. He also got mechanically examined both the vehicles and recorded the statement of Motor-Mechanic Ranjit Singh under Section 161 Cr.P.C. He was transferred on 12.05.2012 from Jhajjar to Karnal and further investigation was conducted by another Investigation Officer. He also identified the case property i.e. mobile phone, which was got recovered by accused Rajesh (already exhibited as Ex.P7), pistol and Cartridge recovered from accused Mohit as Ex.P4 and Ex.P5.

PW-60 Dharambir, (Retired SI), deposed that on 21.05.2012, he was posted as investigation officer at police station, Jhajjar. On that day, investigation of this case was entrusted to him. On that day, he recorded the statement of EASI Kuldeep Singh, MM Jhajjar, Ct. Jitender No. 542 and Ct. Raj Kumar, No. 1057 under section 161 of Cr.P.C.

PW61 SI Krishan Kumar (retired) deposed that on 28.03.2012, he was posted at police station Jhajjar as Investigating Officer. On that day, accused Naresh @ Sethi was produced before Ld. Area Magistrate through production warrant. He joined him in investigation after obtaining the permission and arrested him in this case. On 29.03.2012, he interrogated accused Naresh in presence of Constable Raj Kumar. Upon which, he made a statement Ex.PW20/A (objected to) regarding his involvement in this case and offered to demarcate the place of occurrence. He recorded the statement of Constable Raj Kumar under Section 161 of Cr.P.C. On same day, accused demarcated the place of occurrence vide memo Ex.PW61/A in the presence of Constable Ravi Kumar. He recorded his statement.

PW-62 Dr. Anil Singh, tendered his duly sworn affidavit Ex.PW61/A in his evidence and deposed that on 11.03.2012, he was posted as MO in GH Jhajjar. On that day, he was a member of Medical Board and then conducted post-mortem on the dead bodies of Anil @ Foji son of Ram Gopal, Dilbag son of Chhajuram and Shri Bhagwan son of Chhajuram on police request Ex.PW15/A. He also identified post-mortem

Report Ex.PW15/B, Inquest Ex.PW15/C, Ex.PW15/E, Inquest Ex.PW15/F, PMR Ex.PW15/H, and Inquest Report Ex.PW15/I, which bears his signatures. In their opinion, cause of death was due to head injuries and their complications which were caused by firearm injuries as mentioned in all PMRs. Injuries were antemortem in nature and sufficient to cause death in ordinary course of nature in all three dead bodies. After completion of the post mortems of all three dead bodies, they handed over to police copies of PMR, three jars containing bullets which were recovered from the dead bodies and three sealed parcels containing the cloths of deceased persons alongwith envelop to FSL. He also identified the case property i.e. eight bullets/pellets/led Ex.MO1 to Ex.MO8, which were recovered from the dead body of Anil. He also identified the case property i.e. total eight bullets/pellets/led Ex.MO9 to Ex.MO16, which were recovered from the dead body of Shri Bhagwan. He also identified the case property i.e. eight bullets/pellets/led Ex.MO17 to Ex.MO24, which were recovered from the dead body of Dilbag. He also identified the case property i.e. blue jeans Ex.MO25, black underwear Ex.MO26, white Baniyan Ex.MO27, a black dora (thread) Ex.MO28, which was worn in the right wrist of Anil and a shirt Ex.MO29, which were removed from the dead body of Anil. He also identified the case property i.e. a white kurta Ex.MO30, payjama Ex.MO31, underwear Ex.MO32, blood stained vest Ex.MO33 and one pair black socks Ex.MO34 to Ex.MO35, which were removed from the dead body of Shri Bhagwan. He also

identified the case property i.e. a blood stained white kurta payjama Ex.MO36, Ex.MO37, white Baniyan Ex.MO38 and black underwear Ex.MO39, which were removed from the dead body of Dilbag.

PW63 SI Satbir Singh (Retd.) deposed that on 09.05.2012, he was posted in police station Jhajjar. On that day, Sandeep and Pawan were joined in the investigation with permission of the Court on production warrants. During interrogation accused Sandeep and Pawan suffered disclosure statement Ex.PW63/A and Ex.PW63/B respectively. Thereafter, both accused were produced before the Court and taken on two days police remand. On 10.5.2012, accused Pawan and Sandeep got demarcated the place of occurrence where they have murdered the three prison in police custody vide demarcation memo is Ex.PW63/C and Ex.PW63/D. Memos and disclosure statement were attested by HC Parveen and ASI Baldev. He recorded the statement of witnesses under Section 161 Cr.P.C. Thereafter, accused were lodged in police lock up.

PW64 SI Dharambir (Retd.) deposed that on 21.05.2012, he was posted as SI/IO in police station Jhajjar. On that day, he recorded the statement of EASI Kuldeep Malkhana Moharar, Constable Jitender AMM and Constable Raj Kumar under Section 161 Cr.P.C.

PW65 Sh. Raj Kumar Yadav the then Ld. ACJM, Jhajjar presently posted as Addl. Sessions Judge, Nuh, deposed that on 11.03.2012, he was posted as ACJM, Jhajjar. On that day, on receipt of the letter Ex.PW65/B from SP, Jhajjar regarding an incident near District Jail, Jhajjar, at Jhajjar-Gurgaon Road, he had prepared the inquest report u/s 176 Cr.P.C. Ex.PW65/A

which is signed by him and contains eight pages.

PW66 SI Kumud Kumar Upadhyay, Police Head Quarter, Delhi Central Police Control Room, deposed that on 12.03.2012, he was posted in Automatic Call Distribution System CPCR, Police Head Quarter, Delhi. On that day, their Operator of CPCR had received four calls from the Mobile No.8459135724 at Channel Nos.114, 105, 138 and 119 at 14.25 to 14.30, 14.29 to 14.33, 14.32 to 14.33 and 14.40 to 14.44 p.m regarding the Santro Car of white colour bearing registration No.HR-51-AM-0442 which was parked in Bawana at M.V Hospital Pooth Khurd, Delhi, Bawana. There were lying weapons in the the above said Car. On 19.3.2012, on the request of ACP Bawana and SHO Bawana, we prepared CDs Ex.PW66/A dt. 19.3.2012 which bears his signatures and Ex.PW66/AA dt. 12.3.2012, which bears the signatures of SI Tarun Grover in which recording of mobile No. 8459135724 is available as received in PA100 system. Certificate under Section 65-B of Indian Evidence Act, 1872 is Ex.PW66/B and four challans forms of above said channels are Ex.PW66/C to Ex.PW66/F regarding calls received and action of CPCR and Halat Report by PCR Van tendered by him in his evidence.

PW67 Deepak Kumar Sandhu, Nodal officer, Idea Cellular Limited, Panchkula deposed that he has brought the summoned record of Mobile No.9992585443 and 8745918991. The Mobile No.9992585443 was issued in the name of Simarjeet son of Rajender, House No.119, VPO Prem Nagar, Distt. Kangra, Himachal Pradesh and Local Address is village Kheri, Distt. Jhajjar. The customer application form is Ex.PW67/A (original seen and

returned) and the ID Proof i.e driving licence Ex.PW67/B. The call detail of Mobile No.9992585443 is Ex.PW67/C. The Mobile No.8745918991 was issued in the name of Lalit Sahni son of Phaguni Sahni, resident of A-50, Gopal Nagar Extension, Delhi. The customer application form is Ex.PW67/D (original seen and returned) and the ID Proof i.e Voter I.D. Card Ex.PW67/E. The call detail of Mobile No.8745918991 is Ex.PW67/F. The location chart of above said mobile nos. is Ex.PW67/G and the certificate under Section 65-B of Indian Evidence Act is Ex.PW67/H.

PW68 Wasim Mohamad, Nodal officer, Bharti Airtel Limited, Chandigarh deposed that he has brought the summoned record of Mobile No.8826217802 and 9050636377. The Mobile No.8826217802 was issued in the name of Harish Prashar son of Suresh, House No.623, 2nd Floor, Mirza Wali Gali, Delhi. The Mobile No.9050636377 was issued in the name of Amir Ahmad son of Rahes, House No.3824, SGM Nagar, NIT Faridabad. He has brought the I.Ds. Of both the customers and application form in this regard. I.D and application form regarding Mobile No.8826217802 are Ex.PW68/A and Ex.PW68/B. I.D and application form regarding Mobile No.9050636377 are Ex.PW68/C and Ex.PW68/D (all are objected to). The call details of above said mobile nos. are not available in our system. In this regard, he produced the letter Ex.PW68/E. As per the letter Ex.PW68/E, the call details beyond the period of one year is not available with the system as per the DOT guidelines.

PW69 Inspector Satpal Singh, deposed that on 15.12.2013, he was posted as Inspector/SHO at Police Station Jhajjar. On that day, after completion

of the investigation against the accused Balraj @ Billu son of Manphool by the Investigating Officer, he prepared final report under Section 173 Cr.P.C. against the accused Balraj @ Billu, which bears his signature.

PW70 EHC Sumer Singh, deposed that on 27.11.2013, he was posted as EHC at CIA Staff, Jhajjar. On that day, he was remained associated in the investigation of the present case with PSI Satish Kumar. Accused Balraj @ Billu was interrogated by PSI Satish Kumar in the police station Jhajjar in his presence and on interrogation, he suffered disclosure statement Ex.PW70/A, which bears his signatures.

PW71 Inspector Satish Deshwal, deposed that on 26.11.2013, he was posted as SI/IO at CIA Staff Jhajjar. On that day, he arrested accused Balraj @ Billu who was wanted in the present case FIR. Thereafter, accused was lodged in the police lock-up of police station Jhajjar. On 27.11.2017, accused Balraj @ Billu was taken out from the police lock-up and interrogated in the police station premises by him in the presence of EHC Sumer Singh. On interrogation, he suffered disclosure statement Ex.PW70/A about his role in the present case, which bears his signature.

PW72 SI Kanwar Singh, deposed that on 14.03.2013, he was posted as MM at Police Station Gurgaon. On that day, ASI Satnarayan came to their police station alongwith a Court order in case FIR No.1 dated 01.01.2013 under Sections 420, 467, 468, 471 IPC and 25 of Arms Act. In the said case, the countrymade pistol recovered from the accused Sumit had been transferred the

case property in the present case vide RC No.221 dated 14.03.2013. In this regard, ASI Satnarayan prepared memo Ex.PW72/A, which bears his signatures as he handed over the said case property to him.

PW73 HC Sandeep Kumar, deposed that on 12.01.2013, he was posted as HC at Police Station Jhajjar. On that day, he was associated in the investigation of the present case with ASI Satnarayan. Accused Sumit Rana @ Sunny who was in police custody was taken out from police lock-up of police station Jhajjar and interrogated by ASI Satnarayan in his presence and on interrogation, accused suffered disclosure statement Ex.PW73/A about the commission of crime. In pursuance of the disclosure statement, accused got demarcated the place of occurrence i.e. Naurangpur turn situated on Jhajjar-Gurgram road and in this regard, demarcation memo Ex.PW73/B was prepared by SI Satnarayan at the instance of accused Sumit Rana, which bears his signature.

PW74 SI Sat Narain, deposed that on 05.01.2013, he was posted as ASI/Incharge at Police Post Dulina under Police Station, Jhajjar. On that day, he received an information from the police station Sadar, Gurgaon that the accused Sumit Rana @ Sunny, who was wanted in the present case was arrested by the police of Police Station Sadar Gurgaon in case FIR No.1 dated 01.01.2013 under Sections 420, 467, 468, 471 IPC and 25 of Arms Act. Thereafter, he went to Gurgaon Court and moved an application before Area Magistrate of Police Station Sadar, Gurgaon to join the accused Sumit in the present case and sought

transit remand of one day. On that day, accused was locked up in police station Jhajjar. On 06.01.2013, accused was produced before the Area Magistrate of Police Station Jhajjar and sought 9 days police remand of the accused Sumit. During the course of investigation, on 12.01.2013 accused accused was interrogated in police station Jhajjar in the presence of HC Sandeep and on interrogation, he suffered disclosure statement Ex.PW73/A about the commission of crime. In pursuance of the said disclosure statement, the accused got demarcated the place of occurrence i.e. Norangpur turn situated at Jhajjar-Gurugram road and in this regard, he prepared demarcation memo Ex.PW73/B at the instance of the accused Sumit. HC Sandeep signed Ex.PW73/A and Ex.PW73/B as attested witnesses. On 12.03.2013, he moved an application in the Court of Sh. Jasbir Singh, the then Ld. ACJM, Gurugram for transferring the case property in the present case, which was recovered from accused Sumit in case FIR No.1 dated 01.01.2013 under Sections 420, 467, 468, 471 IPC and 25 of Arms Act. The learned Court gave him the permission. Thereafter on 14.03.2013, he went to police station Sadar Gurgaon and moved the copy of the said order Ex.PW74/A before MM, namely, EASI Kanwar Singh and after some time, he handed over to him the sealed parcels of the case property of case FIR No.1/2013 to him. The same was taken into the possession of the police by him vide memo Ex.PW72/A, which bears the signature of EASI Kanwar Singh. After returning to the police station Jhajjar, he deposited the case property with MM. He recorded the statement of the relevant witnesses on the relevant dates and times during his investigation.

PW75 Inspector Somvir, deposed that on 28.03.2013, he was posted as Inspector/SHO at police station Jhajjar. On that day, after completion of the investigation against the accused Sumit Rana @ Sunny by the Investigating Officer, he prepared the final report under Section 173 Cr.P.C. against the said accused, which bears his signature.

9. Learned Public Prosecutor has been given up PW ASI Surender no.1119 after receiving his death report vide his separate statement on 07.03.2014, PWs Katar and Rajender Chowkidar being unnecessary vide his separate statement on 01.09.2014; PWs, namely, Dr. Amit Kumar and EASI Rattan Lal being unnecessary vide his separate statement on 10.03.2015; HC Paramjeet being unnecessary vide his separate statement on 29.05.2015; PW EASI Surajbhan being unnecessary vide his separate statement on 12.06.2015; PWs HC Pardeep no.135, ESI Ramphal no.296, ASI Dharamvir no.295, HC Gautam no.888 and Constable Sanjay no.2692 being unnecessary vide his separate statement on 17.07.2015; EASI Vinod Kumar and Constable Manoj No.863/OD being unnecessary vide his separate statement on 15.09.2015; EASI Rambir and ASI Ravinder being unnecessary vide his separate statement on 29.09.2015. Thereafter, learned Public Prosecutor closed the prosecution evidence on exhausting the list of witnesses on dated 10.07.2017.

STAND OF ACCUSED UNDER SECTION 313 CR.P.C.

10. In his statement recorded under section 313 of Cr.P.C, the

(Sukhpreet Singh)
Additional Sessions Judge,
Jhajjar, 05.08.2026

accused persons denied the entire incriminating evidence and circumstances appearing against them in the prosecution evidence. They pleaded innocence and false implication in the present case.

11. In defence evidence, accused has tendered documents i.e. Ex.D1 statement of Surender Kumar and Ex.DB Statement of Ranbir Singh. Thereafter, Learned counsel for accused persons namely, Anil, Sandeep alias Kala, Naresh alias Sethi, Raj Kumar alias Raju, Deepak alias Baniya and Pawan alias Totla tendered documents Ex.D1 to Ex.D4 vide his separately recorded statement on 09.10.2025. Thereafter, accused persons have closed their defence evidence vide their separately recorded statements.

12. I have heard learned Public Prosecutor for the State and learned counsel for the accused persons and have perused the evidence and other material available on record carefully.

PROSECUTION VERSION

13. It was argued by learned Public Prosecutor that there was sufficient evidence to show that it was the accused persons who in pursuance of a criminal conspiracy with each other murdered deceased Shri Bhagwan, Dilbag and Anil alias Fouji by firing gun-shot upon them in the police escort van. It is also argued that accused also attempted to commit murder of HC Vinod and Constable Vikas and a prisoner Naseem. It is further argued that Shri Bhagwan, Dilbag and Anil alias Fouji have died a homicidal death and the accused persons had caused their death

with an intention to kill them. It was argued that all the accused persons had motive to commit the murder of the deceased Shri Bhagwan, Dilbag and Anil alias Fouji. It was also argued that all the accused made a conspiracy with each other in order to murder Shri Bhagwan, Dilbag and Anil alias Fouji. Accused persons also committed dacoity and looted tralla bearing registration no.HR-63-B-1524 and INSAS riffle of HC Vinod, carbine gun and ammunition from Constable Vivek. Accused persons also prevented the public servant from discharging their duties. It was further argued that accused Mohit and Sumit were found in possession of countrymade pistol. In their statement recorded under Section 313 of Cr.P.C, they did not set up any defence plea and merely denied the prosecution version which provided an additional link in the chain of circumstances. The disclosure statement made by accused persons led to identification of the place of occurrence. All the circumstances unerringly pointed out towards the involvement of the accused in the subject crime. Therefore, it was argued that the guilt of all the accused persons stand fully established beyond doubt and hence, it was urged that they had become liable to be held guilty and convicted for the commission of offence punishable under which they have been charge-sheeted.

DEFENCE VERSION

14. Per contra, learned counsels for the accused persons argued that the case of prosecution suffers from several material infirmities. There

was no direct incriminating evidence on record to connect the accused with the subject crime. None of the material witnesses had seen the accused causing death of the victim. They were apprehended only on the basis of suspicion. The disclosure statement allegedly suffered by them, were not admissible in evidence and hence, could not be taken into consideration. No distinct or new fact was proved to have been discovered in pursuance of the alleged disclosure statement. The prosecution had failed to prove any such circumstance which could connect all the accused with the subject crime. The motive as attributed to the accused persons could not be proved by the prosecution by leading any such evidence which could be relied and acted upon beyond doubt. The mere fact that they did not produce any defence evidence and had simply denied the circumstances put to them in their statement recorded under Section 313 of Cr.P.C., could not be said to be an additional link in the chain of circumstances. No criminal conspiracy has been proved by the prosecution. Hence, they argued that all the accused had become entitled for acquittal.

POINTS FOR DETERMINATION

15. On considering the rival contentions of both the parties, in the opinion of this court, the prosecution was required to prove the following points in order to establish the guilt of the accused:-

1. *Whether all the accused persons hatched a criminal conspiracy for committing the murder of victim Shri Bhagwan, Dilbag and Anil*

alias Fouji?

2. *Whether all the accused persons attempted to commit murder HC Vinod, Constable Vivek and undertrial prisoner Naseem?*
3. *Whether victim Shri Bhagwan, Dilbag and Anil alias Fouji died a homicidal death?*
4. *If point nos.1 & 2 are proved in affirmative, then whether this murder was committed by accused persons and this aspect is proved from the circumstances relied upon and proved by the prosecution?*
5. *Whether the accused persons committed dacoity and looted tralla bearing registration no.HR-63-B-1524 and INSAS riffle of HC Vinod, carbine gun and ammunition from Constable Vivek and also prevented the public servant from discharging their duties?*
6. *Whether accused Mohit and Sumit were found in possession of countrymade pistol?*
7. *Final order.*

16. After hearing the arguments of the prosecution as well as the accused persons and on a perusal of evidence produced on record, my point-wise decision is given as under:-

REASONS FOR DECISION

17. The case of the prosecution is that all the accused in furtherance of their common intention, are alleged to have committed the murder of victim Shri Bhagwan, Dilbag and Anil alias Fouji after hatching

a criminal conspiracy. It was for the prosecution to prove that all the victims had died a homicidal death. As far as deceased Shri Bhagwan, Dilbag and Anil alias Fouji are concerned, their death could either be homicidal, accidental or suicidal. As submitted by PW15 Dr. Sumit Lakra and PW62 Dr. Anil, they are the members of a Medical Board, which were constituted on police request Ex.PW15/A. They conducted post-mortem on the body of Shri Bhagwan and prepared report Ex.PW15/B. Similarly, they conducted post-mortem on the body of Anil alias Fauji and prepared post-mortem report Ex.PW15/E and also conducted post-mortem on the body of Dilbag and prepared post-mortem report Ex.PW15/H. A perusal of post-mortem report shows that in all the three cases, the cause of death was due to head injury and its complications which are caused by fire arm injury which are ante-mortem in nature and sufficient to cause death in the ordinary course of nature. PW15 Dr. Sumit Lakra and PW62 Dr. Anil Singh were subjected to incisive questions of cross-examination but nothing could be extracted from their testimony on the basis of which, it could be concluded that the opinion/report as given by them were not correct or that they were making a false deposition. Therefore, it is proved from their testimony that the injuries were ante-mortem in nature. Hence, it can be said that it was an homicidal death. Accordingly, death of victim Shri Bhagwan, Dilbag and Anil alias Fouji is proved to be homicidal in nature. Beside this, prosecution also examined PW10 Dr. Kuldeep, who proved MLR of Naseem as Ex.PW10/A. He also proved MLR of HC

Vinod Ex.PW10/B and MLR of Constable Vivek as Ex.PW10/D. As per the MLRs, all the injured have received fire arm injury, which is sufficient to cause death of injured.

18. Now it has to be seen as to whether the prosecution has produced sufficient, cogent and convincing evidence on record to connect the accused persons with the homicidal death of deceased Shri Bhagwan, Dilbag and Anil alias Fouji and attempted to commit murder of HC Vinod, Constable Vivek and undertrial prisoner Naseem?

19. In the present case, most material witness is PW-1 EASI Surender Singh. It is relevant to mention that the complainant of this case was SI Surender Singh no.1119 but he expired during the proceedings of this case, hence, he could not be examined. PW1 Surender Singh proved the complaint Ex.PW1/A made by deceased SI Surender. PW1 EASI Surender no.59 deposed that on 10.03.2012, he was deputed with SI Surender No.1119 accompanied with ASI Naresh Kumar; Head Constable Ranbir No.283, HC Vinod no.1176, Constable Vivek No.1605 to produce the prisoners from Bhondsi Jail to District Court, Rohtak at Prisoner Van bearing registration No.HR-46-D-3908 being driven by Satpal Singh, ASI. He was having one revolver alongwith 12 rounds. HC Vinod was having one insas rifle and 20 rounds. Constable Vivek was having one carbine and 20 rounds. They took the custody of prisoners namely Shri Bhagwan, Dilbag, both sons of Chajju Ram, resident of Karor, Anil @ Fauji son of Ram Gopal, resident of Chiri, Ranbir @ Fauji son of Zile Singh, resident of

Ladhot from Bhondsi Jail, Gurgaon to produce them in case FIR No.411 dated 7.11.2011 under Section 302/34 IPC, P.S.Sampla at District Courts, Rohtak. They also took the custody of Naseeb son of Dhoopkha resident of Gwarka to produce him in case FIR No.143/2010 under Section 302 IPC, P.S.Sampla at District Court, Rohtak. They produced all above accused in concerned courts of District Courts, Rohtak and thereafter, started from Rohtak to lodge them in Bhondsi Jail, Gurgaon in above mentioned in prison van. When they reached near Naurganpur Mor at Jhajjar-Gurgaon Road, at about 3.15 p.m, one truck came from their behind side. The driver of said truck brought his truck on their wrong side while driving the same rashly and negligently at high speed and hit his truck with their prison van towards left side. Driver of their van lost his balance. Truck and their van stopped automatically after the collision. The truck was having the number plate bearing No.HR-63B/1524. In the mean time, three cars of white colour also came there and about 10/12 young persons about 25-30 years old came outside from those cars. All these young persons were having pistols in their hands. One of them asked his companion that *Naresh* and *Amit* fired on prisoners of van from right side. That person also asked to *Sonu* and *Raju* to make fire on prisoners from left side. He asked his companion by saying *Surender* and *Sunny* to make fire from behind side of van. In reply remaining companions said that alright *Sandeep*. Accused *Sandeep* was instructing remaining above accused persons and on his instructions, all these persons started firing on prisoner van indiscriminately

by their respective weapons. Head Constable Vinod sustained one bullet injury on his back, Constable Vivek also sustained bullet injury. Some of the assailants entered in the prisoner van after opening the rear window of the van. The assailants also snatched insas rifle of HC Vinod and carbine of Constable Vivek alongwith animation and thereafter, started indiscriminate firing on prisoners in prisoner van. Prisoners Anil @ Fauji, Shri Bhagwan and Dilbag succumbed to their injuries at the spot itself. Ranbir and Naseeb prisoners became injured. Some of the assailants asked one of the assailant *Sandeep* to intimate accused *Anil* by telephone who was confined in District Jail, Jhajjar that work has been accomplished. Above assailants fled away from the spot with their weapons along with their insas carbine and animation. Assailants had left their one gun in the prisoner van. A perusal of above-mentioned testimony of this witness shows that he has heard only the names of the assailants but he has not seen them because in his cross-examination, he stated that he cannot identified the accused persons as he could not see their faces and he heard only their voices. This means that only on the basis of heard names, it cannot be presumed that accused present in the Court are the same persons whose names were announced at that time. Similarly, PW2 ASI Satpal Singh who was the driver of the police escort van did not support the case of the prosecution as he stated that he cannot identified the accused persons in the Court. He was declared hostile and was allowed to be cross-examined on the request of learned Public Prosecutor but despite of being lengthy cross-examination

conducted by learned Public Prosecutor, nothing favourable to the prosecution could be extracted. He categorically denied all the suggestion of the prosecution. Thereafter, prosecution examined PW3 HC Ranbir Singh. Although this witness stated that he heard the name of Naresh, Amit, Sonu, Raju, Surender, Sunny, Sandeep and Anil but in his cross-examination, he stated that he cannot identified the other accused persons present in the Court beside accused Ranbir alias Fouji because he was already an undertrial prisoner and was present in the police van. Prosecution has also examined PW5 ASI Naresh Kumar. Although this witness stated that he heard the name of Naresh, Amit, Sonu, Raju, Surender, Sunny, Sandeep and Anil but in his cross-examination, he stated that he cannot identified any of the accused present in the Court being culprit on the fateful day. Prosecution also examined PW30 Ct. Vivek Kumar, who was injured in this case. He has stated that he only heard the names of *Naresh, Amit, Sonu, Raju, Surender, Sunny, Sandeep and Anil* but in his cross-examination, he stated that he cannot identified the young boys who allegedly fired on the police van. Lastly, prosecution examined PW8 Naseem Khan, who also did not support the case of the prosecution and stated that he has seen the accused present in the Court but he did not see them at the spot and firing indiscriminately upon the prisoner van. He was declared hostile and was allowed to be cross-examined on the request of learned Public Prosecutor but despite of being cross-examination conducted by learned Public Prosecutor, nothing favourable to the prosecution could be extracted. He categorically denied

all the suggestion of the prosecution. So, the statements of above-mentioned witnesses are not helpful to the case of the prosecution to connect the accused persons for the offences for which they are facing the trial. Hence, there is no direct incriminating evidence against any of the accused. The only evidence put by the prosecution is that the witnesses has not seen the accused but only heard their names. Even no test identification parade of any accused at any time of investigation has been conducted by the Investigation Officer. A perusal of his evidence shows that no Test Identification Parade was got conducted regarding any accused during investigation. Accused fled away from the spot and were arrested later on. So, It is clear that accused were not arrested at the spot. FIR is without name. In such a circumstances, it was incumbent upon the Investigating Officer to get the identification parade conducted but this has not happened in this case. Accordingly, the identification parade of the accused were not conducted by the Investigating Officer. Reliance has been placed upon the case law titled as **State of J&K versus Sohan Lal Koul 2007 (3) CCJ 561 (J&K); Kandhara Singh vs. State of Punjab 2007 (3) CCJ 431 (P&H) and; Sunder alias Surinder vs. State of Haryana 1999 (2) CCJ 437 (P&H).**

20. Before delving on the circumstances which were pressed into service by the prosecution to prove its case and at the cost of repetition, it is relevant to mention that the allegations against the accused are that they hatched a criminal conspiracy with each other to murder Shri Bhagwan, Dilbag and Anil alias Fouji. As such, it is important to firstly discuss the

ingredients of criminal conspiracy. The offence of conspiracy is defined under section 120A of IPC which reads as under:-

“120A. Definition of criminal conspiracy—When two or more persons agree to do, or cause to be done,--

- (1) an illegal act, or
- (2) an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy:

Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof’.

21. Further section 120-B of IPC prescribes the punishment for criminal conspiracy which by itself is an independent offence punishable separately from the main offence. The offence of criminal conspiracy can be established by direct evidence or by circumstantial evidence. Section 10 of Evidence Act introduces the doctrine of agency and will be attracted only when the court is satisfied that there is reasonable ground to believe that two or more persons have conspired together to commit an offence or an actionable ground that is to say that there should be a prima facie evidence that the person was a party to the conspiracy before his act can be used against the conspirator. There is also no doubt about the legal proposition that for proving a criminal conspiracy, prosecution is seldom in a position to place before the court any direct evidence. Conspiracy is

hatched in secrecy and as such proved by circumstantial evidence alone. The law is further well settled that for establishing a criminal conspiracy, the prosecution must place on record some connecting link of evidence of meeting of mind of the conspirators for achieving a particular object. The motive is not important for proving a criminal offence where ocular evidence is available. But in case of conspiracy, motive provides a basis for joining of hands by the conspirators. Where the factum of conspiracy is sought to be inferred from the circumstances, the prosecution has to show the circumstances giving rise to a conclusive or irresistible inference of an agreement between two or more persons to commit an offence. As in all other criminal offences, the prosecution has to discharge the onus for proving the case against the accused beyond reasonable doubt. The circumstances in a case when taken together on their face value, indicate the meeting of mind between the conspirator for the intended object of committing the illegal act. It has to be shown that all illegal acts done were in furtherance of object of conspiracy hatched.

22. For establishing the charge of conspiracy, therefore, it has to be established that there should be an agreement between two or more persons to commit an illegal act or an act which is not legal by illegal means. The prosecution, therefore, has to establish meeting of minds between two or more persons either by tacit or other kind of agreement to do illegal act. It is well settled that it is not always possible to find out direct evidence of conspiracy between two or more people and, therefore,

very often, inference is required to be drawn on the basis of various circumstances to find out whether there was sameness of minds and agreement between the parties for committing the said illegal act. It is also well settled that like most crimes, conspiracy requires an act and an accompanying mental state, the agreement constitutes the act and the intention to achieve the unlawful object of that agreement and the required mental state of all conspirators is liable for crimes committed in pursuance of the conspiracy by any member of the group, regardless of whether liability would be established by the law of complicity. The significance of criminal conspiracy under section 120A IPC was brought out pithily by Hon'ble Supreme Court in Major E.G.Barsay vs. State of Bombay (1962) 2 SCR 195 wherein it was held as follows:-

“The gist of the offence is an agreement to break the law. The parties to such an agreement will be guilty of criminal conspiracy, though the illegal act agreed to be done has not been done. So too, it is not an ingredient of the offence that all the parties should agree to do a single illegal act. It may comprise the commission of a number of acts, an act would be illegal if it is an offence or if it is prohibited by law. Under the first part, the accused are charged with having conspiracy to show three categories of illegal acts and the mere fact that all of them could not be convicted separately in respect of each of the offence has no relevancy in considering the question whether the offence of conspiracy has been committed. They are all guilty of the offence of conspiracy to do illegal

acts, though for individual offence all of them may not be liable. Reliance is also drawn upon Kehar Singh and others vs. State (Delhi Administrator) (1988) 3 SCC 609 wherein it was observed as under:-

“271. Before considering the other matters against accused persons, it will be proper to consider the concept of criminal conspiracy under section 120A and 120B of IPC. These provisions have brought the law of conspiracy in fact in line with the English law by making the overt act unessential when the conspiracy is to consider any punishable offence. The English law on this matter is well settled. The following passage from Russel on crime (12th edition, Volume No.1 202) may be noted:-

“ The gist of the offence of conspiracy then lies, not in doing the act, or effecting the purpose for which the conspiracy is formed.

Mere knowledge or even discussion of plan is perse enough”.

Lastly, reliance is drawn upon State of Kerala Vs. P. Sugathan AIR 2000 Supreme Court 3323 wherein the Hon'ble Supreme Court while discussing the offence of criminal conspiracy held as follows:-

- i. Direct independent evidence of criminal conspiracy is generally not available and its existence is matter of inference.
- ii. There must be agreement and meeting of minds of two or more persons to commit the offence.
- iii. A few bits here and few bits there on which the prosecution relies can not be held to be adequate for connecting the accused with the commission of offence of criminal conspiracy.

- iv. Circumstances relied for the purpose of drawing an inference should be prior in time then the actual commission of offence in furtherance of alleged conspiracy.
- v. In case where criminal conspiracy is alleged, the court must inquire whether the two persons are independently pursuing the same or they had come together to pursue the unlawful object.
- vi. For offence of conspiracy, some kind of physical manifestation of agreement is required to be established. The express agreement need not be proved. The evidence as to the transmission of thoughts sharing the unlawful act is not sufficient.
- vii. A conspiracy is continuing offence which continues to subsist till it is executed or rescinded or frustrated by object of necessity.

23. In the backdrop of the legal position relating to the offence of criminal conspiracy and the principles of law laid down on the point of circumstantial evidence, let us consider the circumstances relied upon by the prosecution to connect the accused with the crime of entering into a criminal conspiracy and further committing the other offences for which they have been charge-sheeted. As stated above, there is no eye-witness to the alleged offence as none of the prosecution witness identified the accused persons present in the Court and there is no direct evidence against the accused persons. Prosecution has relied upon the testimony of PW4 Surender Kumar, Deputy Superintendent, District Jail, who deposed

that on 10.03.2012, they searched accused Anil alias Chhipi at District Jail, Jhajjar and two burnt mobile phones and two SIMs were recovered from accused Anil alias Chhipi. This witness has tried to prove the extra judicial confession of accused Anil alias Chhipi made before him in order to prove the criminal conspiracy to take revenge from the accused persons. It is relevant to mention that a case was registered against accused Anil alias Chhipi bearing FIR No.167 dated 10.03.2012 under Section 45/47 of Jail Act at P.S. Jhajjar but accused Anil was acquitted in that case vide order of Ld. JMJC Jhajjar vide judgment dated 09.11.2016 Ex.D4. As no recovery from the jail from the possession of accused Anil at jail premises has been proved by the prosecution. Even the extra judicial confession made by accused Anil alias Chhipi before Jail Superintendent, is not admissible in evidence without being corroboration from independent source. It has been held by Hon'ble Punjab & Haryana High Court in case titled as **Rajiv Nath vs. State of Haryana, 2025(2) RCR (Criminal), 696** that *extra-judicial confessions are inherently weak evidence-Must be supported by sufficient corroborative evidence to inspire confidence-cannot solely from the basis for conviction in cases of circumstantial evidence.* Even the tower location of the mobile and the SIM has not been proved to establish that at that time, it was working under the towers which cover the jail premises. Even PW25 Constable Anil Kumar who produced CDR of the mobile phone nos. 8745918991, 9253260726, 9992585443, 9971511141, 9050636377 and 8826217802 and

stated in his cross-examination that no certificate under Section 65-B of Evidence Act has been issued by him. Hence, without being the certificate under Section 65-B of Evidence Act, the call detail record has no authentic value. Hence, the prosecution has failed to prove the criminal conspiracy between the accused persons.

24. Admittedly, there is no eye witness of the murder and even no other direct evidence to pin point the accused persons. The entire case of the prosecution is based on circumstantial evidence. As per the stand taken by the prosecution, all the accused persons had murdered Shri Bhagwan, Dilbag and Anil due to the previous enmity in order to take revenge from the victims. Therefore, as per the prosecution, the accused had motive to murder the victims. It may be stated that since this case is entirely based on circumstantial evidence, therefore, this court is bound to be extra cautious because circumstantial evidence has its own limits but it is the best evidence if the chain of circumstances is proved without any missing link and only presumption that can be drawn from it is that but for the accused, the crime was not possible in any other manner. It may be mentioned that the Hon'ble Apex Court has laid down guidelines with regard to the evidence of circumstantial nature by making judicial pronouncements from time to time. In a celebrated judgment of Hon'ble Apex Court cited as *Sharad Birdhichand Sarda Vs. State of Maharashtra AIR 1984, Supreme Court, 1622*, while dealing with circumstantial evidence, it has been held that the following conditions must be fulfilled

before a case based on circumstantial evidence is said to be fully proved including the guilt of the accused persons:-

- 1) *the circumstances from which the conclusion of guilt is to be drawn should be fully established. The circumstances concerned must or should and not may be established.*
- 2) *The facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty.*
- 3) *The circumstances should be of a conclusive nature and tendency.*
- 4) *They should exclude every possible hypothesis except the one to be proved; and*
- 5) *There must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused.*

The above cited proposition of law was reiterated by the Hon'ble Apex Court in *State of UP Vs. Ram Balak, 2008(4), RCR(Criminal), 845, Asaraf S.K. and another Vs. State of West Bengal 2008(4) Criminal Court Cases 742 (SC), Amrinder Kaur and another Vs. State of Punjab 2011(1) RCR (Criminal) 691 and Makhan Singh Vs. State of Haryana 2011(1) RCR (Criminal) 440.*

25. Applying the above proposition of law to the facts in hand, the evidence of the prosecution has been scrutinized and the arguments raised by learned Public Prosecutor and learned defence counsels have

been considered and it comes out that the prosecution has put forward the following circumstances to bring home the guilt of the accused:-

- i. Motive on the part of the accused to murder the victims.*
- ii. Statement of police official present in the escort guard as recorded before the police as well as in the Court.*
- iii. Disclosure statement of all the accused admitting their involvement in the crime leading to the place of occurrence.*
- iv. Simple denial of accused at the time of recording statement under Section 313 of Cr.P.C.*

26. So far as the first circumstance i.e. motive part is concerned, the prosecution case is that the accused had a definite motive to murder the victim as there was a previous enmity between accused and victim- Shri Bhagwan, Dilbag and Anil and they wanted to take revenge. On going through the evidence led by the prosecution, this Court is of the considered opinion that the prosecution has failed to prove the motive as attributed to the accused by leading cogent, convincing, direct and reliable evidence. However, before discussing the evidence produced on record, let us firstly consider the legal position on this aspect. It is well settled proposition of law that in a case of murder based on circumstantial evidence, the proof of motive of crime with positive evidence is compulsory. Needless to say, motive is an intention and compelling force behind a person to commit a crime and thus is a mental state of a person which cannot be probed physically and thus, no direct evidence can be

adduced to prove the same and it is to be inferred only from the circumstances to co-relate the same with the outcome of the crime. There is no denying the fact that it is also settled proposition of law that in the absence of proof of any other material circumstance pointing out the guilt of accused, mere proof of motive is not sufficient to do so. After going through the evidence of prosecution witnesses, it comes out that the motive theory as put forward by the prosecution has not been established beyond doubt by the prosecution by leading any cogent evidence. The case of the prosecution on this point rests upon the statement of PW4 Surender Kumar, Deputy Superintendent. PW4 Surender Kumar, Dy. Supdt. while appearing into the witness box, has deposed that accused Anil alias Chhipi has disclosed to him that prior to 10.03.2012, Shri Bhagwan and family of co-accused has committed murder of his uncle Ramesh and also committed the murder of wife and aunt of Rajesh alias Puru, Sarpanch in the year 2008. He further stated that accused Anil alias Chhipi alongwith Rajesh alias Puru hatched criminal conspiracy to take revenge. In pursuance of that conspiracy, they had hired mobile phone and SIM from Manjeet who was lodged in the jail. He further admitted that accused Puru made a conversation on the mobile and Anil has handed over Rs.one lakh to his mother in order to deliver the same to Sandeep alias Kala and Rakesh. It is relevant to mention that as discussed above, the above-mentioned statement is only an extra-judicial confession without any corroboration from independent source and same cannot be

used an evidence against the accused persons. He levelled the allegations against the accused only on the basis of suspicion. This means that the evidence of this witness is only hearsay in nature. He is not the eye-witness to any of the occurrence regarding murder of any of the victim.

27. The next set of circumstantial evidence as relied upon by the prosecution is the disclosure statement stated to have been suffered by the accused. The prosecution has relied upon the disclosure statement of accused **Rajesh alias Puru** by the Investigating Officer, which is Ex.PW26/I and recovery of a mobile phone from the house of accused Rajesh alias Puru at his Village Karor, vide recovery memo Ex.PW26/J. The prosecution has also relied upon the disclosure statement of accused **Mohit Sharma** by the IO, which is Ex.PW17/A and recovery of a pistol of 9 mm from the house of accused Mohit at his Village Ghevra (Delhi) vide recovery memo Ex.PW17/C. The prosecution has also relied upon the disclosure statement of accused **Anil alias Lila** by the IO, which is Ex.PW26/B and recovery of a Angithi used for earning mobile phone from the jail premises vide recovery memo Ex.PW20/C and demarcation is Ex.PW20/D. Beside this, the prosecution has relied upon the disclosure statement of accused **Ranbir alias Fouji** by the IO, which is Ex.PW59/B. The prosecution has also relied upon the disclosure statement of accused **Parvesh** by the IO, which is Ex.PW26/K, disclosure statement of **Jitender alias Meena** Ex.PW18/C; disclosure statement of accused **Ved Pal alias Rohtash** Ex.PW18/B; disclosure statement of accused **Naresh alias Shetti**

(Sukhpreet Singh)

Additional Sessions Judge,
Jhajjar, 05.08.2026

Ex.PW18/A; disclosure statement of accused **Raj Kumar alias Raju** Ex.PW16/A; disclosure statement of accused **Jai Bhagwan** Ex.PW16/B; disclosure statement of accused **Satbir** Ex.PW26/L; disclosure statement of accused **Sandeep alias Kala** Ex.PW46/A; disclosure statement of accused **Pawan alias Tiger** Ex.PW46/B; disclosure statement of accused **Balraj alias Billu** Ex.PW70/A and; disclosure statement of accused **Deepak** Ex.PW59/B. To prove this, the prosecution examined Investigating Officers. The statement of investigating officer on this point, therefore, has remained uncorroborated by some reliable and convincing evidence. they stated that they had tried their best to join some independent witness, but the independent witnesses had shown their inability. They could not tell the names of the persons who had refused to join the investigation. They admitted that they had not mentioned the names of such persons in the police diary. No genuine and sincere efforts are proved to have been made by them for joining the independent witnesses at the time of interrogating the accused persons or further at the time of demarcation of place of occurrence by them and therefore, an adverse inference is drawn to the effect that they intentionally did not join any member of the public at the time of conducting proceedings as they wanted to keep the entire proceedings as a secret and that attaches a taint to their testimony. Even otherwise, the disclosure statement alleged to have been recorded by the accused is in the nature of a confessional statement. **Section 25 of the Indian Evidence Act** mandates that no

confession made to a police officer shall be proved as against a person accused of an offence. **Section 26** provides that the confession made by the accused while in custody of police cannot be proved against him. Though, there is an exception carved out by **Section 27** to the aforesaid rule of sections 25 and 26 of evidence Act based on the view that if a fact is actually discovered in consequence of information given, some guarantee is afforded thereby that the information was true, and accordingly it can be safely allowed to be given in evidence. The well enunciated position of law for the applicability of section 27 of Indian Evidence Act, as observed by various judicial pronouncements of Hon'ble Apex Court and different High Courts is that there must be two pre-requisite conditions viz:-

- 1. The information must be such as has caused discovery of the fact;*
- 2. The information must relate 'distinctly' to the fact discovered.*

28. In the present case, as discussed above, the information as given by the accused which itself is inculpatory in nature, cannot be relied upon and more so, the same is not proved to have been caused discovery of any such fact which could be stated to be related 'distinctly' to the offence of murder.

Be that as it may, from the entire evidence led by the prosecution, it emerges that there was availability of the independent persons at the time of conducting the investigation as well as at the time of alleged recovery, but there is nothing on the record of this case which goes

to show that any serious effort/endeavour was made to join the independent witness. It was imperative on the part of the investigating officer to have joined an independent witness at the time of alleged search and seizure or at least make genuine, sincere and real efforts to join an independent witness. The search and seizure before an independent witness would have imparted much more authenticity and creditworthiness to the proceedings so conducted. It would have also verily strengthened the prosecution case. The said safeguard was intended to avoid criticism of arbitrary and highhanded action against the authorized officer. No doubt, in the absence of corroboration through an independent source, the evidence of the official witnesses cannot be disbelieved or distrusted blind-foldely, if the same is found to be credit-worthy. However, when evidence of the official witnesses is found to be not cogent, convincing, reliable and trustworthy and the same are surrounded with infirmities/flaws, as pointed out above, then on account of non-corroboration through an independent source, certainly a doubt is case on the prosecution story. It was imperative on the investigating agency to join an independent witness to vouchsafe the fair investigation. In this regard, I draw my support from the observation made in case titled as *Gurdial Singh Versus State of Punjab 2004(2) RCR (Criminal) 745*, wherein our Hon'ble High Court has held that:

“On receipt of secret information, police recovered one stain gun, two revolvers, one pistol and cartridges. Accused did not possess licence. Independent witness not examined. Conviction set aside. In case of secret information, the

investigating agency must join some independent witnesses. This requirement of joining of independent witnesses is only to ensure that what the official witnesses are deposing is supported by such witnesses.”

29. Further, in the present case, on the basis of disclosure statement of accused Rajesh alias Puru, recovery of mobile phone; disclosure statement of accused Anil alias Leela, recovery of angithi; on the basis of disclosure statement of accused Mohit Sharma, recovery of pistol was effected in this case; whereas no recovery of any kind was effected from other co-accused in this case. Although the recovery was shown to be them in other cases. It is relevant to mention that mobile phone and pistol was effected from the almirah in his residential house which were taken into possession. No independent witness was examined or joined at the time of recovery of the above-mentioned mobile phone and pistol. It was held by the Hon’ble Supreme Court of India in a very recent case titled as **Govind vs. State of Haryana, Crl. Appeal No.5641 of 2024 decided on 14.11.2025** that recovery of countrymade pistol from the dwelling house-prosecution failed to associate any independent witness from the neighbourhood-the recovery was effected from a location accessible to the other family members, warranting heightened scrutiny of its evidentiary worth. Further the recovery of *angithi* was effected from the jail premises at the instance of accused Anil which also open space. It has been held by the Hon’ble Supreme Court of India in case titled as **Jaikham Khan vs.**

State of UP, (2021) 13 SCC 716 that :-

58. As already discussed hereinabove, since no public witness has been examined to support the said memo, the statement made therein will have to be scrutinized with greater caution and circumspection. All the statements made therein with regard to the confession of committing the crime would not be admissible in evidence. Only such information which distinctly relates to the discovery of facts will be admissible under Section 27 of the Evidence Act, 1872 (hereinafter referred to as 'The Evidence Act'). The evidence of PW9 Brahmesh Kumar Yadav (IO) would reveal that immediately after the FIR was lodged, he had come to the spot of incident for further investigation. According to him, accused no.1, 3 & 4 were arrested at around 02:00 am on 24.01.2014. Even according to him, the police party was very much there at the spot. One of the alleged recoveries is from the room where deceased Asgari used to sleep. The other two recoveries are from open field, just behind the house of deceased Shokeen Khan i.e. the place of incident. It could thus, the scene that the recoveries were made from the places, which were accessible to one and all and as such, no reliance could be placed on such recoveries.

Hence, the recovery effected from accused Rajesh alias Puru,

Anil alias Leela, Mohit Sharma has become doubtful and cannot be used as evidence against them. As such, the prosecution has also failed to prove this circumstance as an incriminating one.

30. The next circumstance as pointed out by the learned Public Prosecutor as against the accused was that they had not produced any defence evidence and even in his statement recorded under Section 313 of Cr.P.C, they did not explain the incriminating circumstances appearing against them and did not put forth their own version. However, in ***Sanatan Naskar and another Vs. State of West Bengal 2010(3) RCR (Criminal) 629 (SC)***, the Hon'ble Apex Court had observed that the provisions of Section 313 of Cr.P.C were relevant for finding out the truth and examining the veracity of the case of the prosecution and the object of this provision was also to permit the accused to put forward his own version or reasons in relation to his involvement or otherwise in the crime. It was also observed that if the statement made by him was found to be false, the Court could draw adverse inference and pass consequential order. However, the Hon'ble Apex Court had, simultaneously, observed that the conviction of an accused could not be based merely on the statement made under Section 313 of Cr.P.C as it could not be regarded as a substantive piece of evidence. Further, in case ***Mannu Sao Vs. State of Bihar 2010(3) RCR (Criminal) 805 (SC)***, the Hon'ble Apex Court had also observed that the conviction of accused cannot be based merely on the basis of statement recorded under Section 313 Cr.P.C as it cannot be regarded as a

substantive piece of evidence and the courts have to rely on other evidence against him led by the prosecution. Keeping in view the fact that the prosecution failed to bring any substantive piece of direct or circumstantial evidence against the accused on record, in my opinion, the mere circumstance that he maintained silence and simply denied the circumstances put to him in his statement recorded under Section 313 of Cr.P.C, he cannot be convicted. Undisputedly, the mere denial of the allegations levelled against the accused persons, in their statement under Section 313 Cr.P.C might provide an additional link in the chain of circumstances, but there must be some other evidence on record to complete the chain of events and circumstances which prove involvement of the accused persons in the guilt, which in my opinion, could not be proved by the prosecution. Therefore, this circumstance also cannot be stated to be one which unerringly pointed towards the guilt of the accused persons.

31. In the present case also, the prosecution has relied upon the FSL report Ex.PX, Ex.PY and Ex.PZ but these reports are also is of no help to connect the accused with the alleged crime. The Hon'ble Supreme Court of India in case titled **Govind vs. State of Haryana (supra)** held that *though the FSL report indicates that the pistol and cartridges recovered co-relate with the bullets found in the body of the deceased, such evidence by itself is not sufficient to establish the appellant's guilt in the absence of any proof that the recovered pistol was indeed used in the commission of the offence.*

The purported motive attributed to the appellant is founded merely on a speculative quid pro quo arrangement with the acquitted co-accused and lacks support from any credible evidence. Hence, the report Ex.PX to Ex.PZ are also no help to the prosecution because it also does not connect the accused with the alleged crime because the recovery in the present case has not been proved beyond the reasonable doubt. Hence, points of determination Nos.1 to 6 are decided against the prosecution and in favour of all the accused persons.

32. No other point was urged.

FINAL ORDER

33. Thus, it would be seen that if the fact of probable and natural prosecution story, motive of evidence brought on record by the prosecution coupled with totality of other facts and circumstances, emanating from the evidence on record, as discussed herein above, are put together, then no irresistible and inescapable conclusion can be drawn that accused persons have committed murder of Shri Bhagwan, Dilbag and Anil and attempted to murder HC Vinod, Constable Vivek and under trial prisoner Naseem. Further no criminal conspiracy between the accused has been proved or it has not been proved that they had committed any dacoity or restrained the public servant from performing their duties. The chain of circumstances as out by the prosecution is not complete. Therefore, by extending benefit of doubt to all the accused persons are **acquitted** of the charges levelled against them. Bail-bonds/surety bonds of accused

persons, who are on bail, already furnished before this Court is extended to a period of six months in compliance of the provisions of Section 437-A of Cr.P.C. Accused persons, who are in custody, be released from custody, if not required in any other case. The case property, if any, be disposed of as per rules after expiry of period of limitation for filing of appeal or revision or as per decisions thereof, as the case may be. Compliance of provisions of Section 353(1) Cr.P.C. has been made. **The red ink entry for not destroying the record of the case be made by the concerned official being co-accused Sumit Rana alias Sunny and Suresh alias Sonu are proclaimed person and the record would be required to be re-summoned after either arrest or appearance of said co-accused. File be consigned to records after due compliance.**

**Announced in open Court:
05.08.2026.**

**(Sukhpreet Singh)
Additional Sessions Judge,
Jhajjar, UID No.HR0228.**

Seema Rani, Executive Assistant

Note: This judgment contains **106** pages, all these pages have been checked and signed by me.

**(Sukhpreet Singh)
Additional Sessions Judge, Jhajjar,
UID: HR:0228.**

**(Sukhpreet Singh)
Additional Sessions Judge,
Jhajjar, 05.08.2026**