

HRNU010089842022



Presented on	: 06.10.2022
Registered on	: 06.10.2022
Decided on	: 11.03.2026
Duration	: 3 years, 5 months

IN THE COURT OF
ADDITIONAL SESSIONS JUDGE, NUH
Presided Over by Dr. Rahul Bishnoi

SC – 2219/2022, SC - 2309/2022 & SC - 348 of 2024

State of Haryana

Versus

1. Rahul son of Akbar R/o Village Gawarka, Police Station Sadar Tauru presently at Nahar Colony, Palla, Police Station Sadar Nuh, District Nuh.
2. Mubarik S/o Mohd. Saddik R/o Palla, Police Station Sadar Nuh, District Nuh.
3. Talim @ Talib S/o Mohd. Saddik R/o Palla, Police Station Sadar Nuh, District Nuh.
4. Kala @ Shamim Khan S/o Rashida @ Mohd. Rashid R/o Village Palla, District Nuh.

5. Aarif Khan S/o Umar Mohd. R/o Village Palla, Police Station Sadar Nuh.

.....Accused.

F.I.R. No.	: 228 dated 28.04.2022
Under Section	: 148, 149, 186, 332, 353, 324, 224, 225, 342, 506, 379B, 120B, of IPC & Section 3(2) of the PDPP Act
Police Station	: Sadar Nuh.

Argued by:

Sh. Kapil Bhati, Learned Public Prosecutor for the State
Accused Rahul & Aarif on bail represented by Shri T. H. Ruparya,
Advocate
Accused Mubarik & Talim @ Talib on bail represented by Shri
Mohd. Mansoor Ali, Advocate
Accused Kala @ Shamim Khan on bail represented by Shri Pawan
Bansal, Advocate

JUDGMENT

The accused named above were sent to this court by the police of Police Station Sadar Nuh for the trial of the accused for committing the offence punishable under Sections 148/149/186/332/353/324/224/225/342/506/379B/120B of Indian Penal Code, 1860 (henceforth referred to as 'IPC') & Section 3(2) of the Prevention of Damage to Public Property Act, 1984 (henceforth referred to as 'PDPP Act').

2. In brief, the case of prosecution is that on 27.04.2022, a police party headed by SI Mahender Singh was present at Palla hills on patrol duty when a

telephonic information was received that some persons gave beatings to Narnaul police officials and damaged their vehicle in village Palla. On this information, SI Mahender Singh along with fellow police officials reached at village Palla and inquired about the police force and came to know that the police officials, to whom the villagers gave beatings, went to Government Hospital Nuh for treatment. On this, SI Mahender Singh along with fellow police officials reached at CHC Nuh and obtained MLR of the injured persons, when Inspector Umar Mohammad, Special Staff Incharge, Mahendargarh presented one written complaint submitting that he along with EHC Ravinder Belt no.221/NNL, Constable Sandeep Belt no.562/NNL & Constable Bhupender Belt no.20/NNL were in government vehicle bearing registration no.HR-55-M-9338 with driver Constable Vikash Belt no.734/NNL, alongwith CIA staff Narnaul i.e. SI Vinod Tiyaagi Belt no.300/GGM, Constable Rakesh Belt No.60/NNL, Constable Parvinder no.670/NNL, HC Deepak Belt No.587/NNL & EHC Tejbir Belt no. 542/NNL in government vehicle bearing registration no.HR-55-M-9338 with driver Constable Rajat Belt No.801/NNL, for investigation in case bearing FIR No.246 dated 25.04.2022 under sections 380/457 of IPC, P.S. City Narnaul and were present in the area of Police Station Sadar Nuh, when secret informer informed that the persons, who looted ATM of Axis Bank from Narnaul along with cash, out of them one accused namely Rahul son of Akbar was in village Palla and present in the house of Saddik. If raid be conducted immediately, then he could be apprehended. Believing this information to be true, he along with fellow police officials reached Nalhar Police Post for entry and got rojnamcha entered as per rules and after, he along with fellow police officials proceeded for

village Palla where secret informer pointed to the house of Saddik and Rahul. Then he with help of fellow police officials apprehended that person, who disclosed his name as Rahul son of Akbar. Interrogation was going on, when around 30-40 persons surrounded them from all sides and gave beatings to them with lathies, dandas, fawda and stones while raising lalkara 'Maro Maro' and threatening them with life and rescued the accused Rahul. After that, those persons gave injuries to them and also snatched their firearms and damaged the government vehicle bearing registration no.HR-35R-1496 and made him hostage along with HC Deepak and Constable Rakesh and kept on beating the remaining police officials. Thereafter, after receiving the information police of Police Station Sadar Nuh came at the spot. On seeing police party at the spot, the assailants fled away from the spot along with snatched police firearms. He inquired about those persons and came to know about their names as Talib, Mubarik, Samina, Sakoon, Saddik, Niyaz Mohammad, Irshad, Kala, Imtiyaz, Mosim, Aarif, Rahul, Kida wife of Naseem, Naseema, Mumtaz and others 20-25 unknown persons. Further, Mosim snatched pistol along with magazine having 12 rounds from HC Deepak, Imtiyaz snatched AK-47 with 20 rounds from constable Rakesh and Talib & Mubarik snatched pistol along with magazine having 6 round from EHC Ravinder. Their identification was confirmed by the secret informer and he himself could identify them. All of the injured persons got their treatment done at CHC Nuh, where doctor issued MLRs. Accused Mosim gave knife blow on left hand of Constable Sandeep and the accused Imtiyaz put rope around neck of Constable Sandeep and try to strangulate him. Appropriate proceedings be initiated against the accused. On basis of these allegations, a

formal FIR was registered. Police, thereafter, started the investigation, wherein he prepared site plan, recorded statement of the witnesses, arrested the accused, recovered the snatched weapons and after completion of the necessary investigation, submitted the report as required under Section 173, Cr.P.C.

3. Copies of challan were supplied to the accused free of costs as envisaged under Section 207, Cr.P.C. The case of the accused Rahul, Mubarik & Talim was committed to the court of Sessions for trial vide order dated 29.09.2022 & 16.12.2022 respectively passed by the Learned Chief Judicial Magistrate, Nuh and case of the accused Kala @ Shamim Khan & Aarif Khan was committed to the court of Sessions for trial vide order dated 12.08.2024 passed by the Learned Judicial Magistrate First Class, Nuh

4. On finding a *prima facie* case, the accused were charged for committing the offence punishable under Sections 148/186/332/353/324/506/342/379-B/149/224/225, IPC and section 3(2) of the PDPP Act, 1984 to which the accused pleaded not guilty and claimed trial. Accordingly, the case was adjourned for the prosecution evidence.

5. Prosecution, in support of its case, has examined Constable Rakesh as PW1, Constable Sandeep as PW2, EASI Ramesh Kumar as PW3, Dr. Naveen Aggarwal as PW4, Dharampal draftsman as PW5, SI Subhash as PW6, ASI Deepak as PW7, Constable Parmander as PW8, Mahender Singh as PW9, Constable Salim as PW10, P/Inspector Naresh Kumar as PW11, Constable Navdeep as PW12, Dr. Dharmander as PW13, SHO Ajayveer as PW14, ASI Tek

Chand as PW15, Constable Manoj Kumar as PW16 and ASI Krishan Kumar as PW17 and thereafter, the evidence of the prosecution was closed. The list of prosecution witnesses and list of documents exhibited during trial are annexed with this judgment as Annexure - A and Annexure - B.

6. Statement of the accused persons as required under Section 313, Cr.P.C. were recorded separately, wherein they have denied all the allegations and pleaded innocence and false implication. However, no evidence in defence was led by the accused.

7. I have heard Learned Public Prosecutor for the State and Learned Defence Counsel for the accused and have gone through the case file carefully.

8. PW1 Constable Rakesh has stated on oath that 27.04.2022, he was posted at CIA Staff, Narnaul. On that day, as per orders of Superior Police Officers, he along with Inspector Umar Mohd., SI Vinod Tyagi, HC Ravinder, Constable Bhupender, Constable Sandeep, HC Deepak, Constable Parvinder, EHC Tejvir had proceeded from Narnaul to Nuh in Government vehicle make Bolero bearing registration No.HR-35R-1496 with driver Constable Vikas and in Government vehicle make Bolero bearing registration no.HR-35M-9338 with driver Constable Rajat for village Palla in Nuh District and they reached at village Palla and on the indication of secret informer of the house of Saddik, accused Rahul was apprehended. Inspector Umar Mohd. was making enquiry from him and in the meantime, about 30-40 men and women gathered there

who were armed with *lathis*, *dandas* and stones in their hands and started raising noise and they attacked them. He and HC Deepak were caught by those persons. Imtiyaz snatched magazine of AK47 rifle from him which contained 20 rounds (cartridges) and Mosam snatched service loaded pistol containing twelve rounds (cartridges) from HC Deepak and Talib & Mubarik snatched Government weapon loaded with six rounds from EHC Ravinder. Names of accused were disclosed by secret informer to Inspector Umar Mohd. and they were over powered by those persons and government vehicle make Bolero bearing registration No. HR-35R-1496 was damaged by those persons and they kept beating them. In the meantime, police personnel from Police Station Sadar Nuh reached at the spot and on seeing police coming towards the spot, those persons fled away from the spot along with Rahul and snatched police weapons. Imtiyaz, Aarif, Niyaz Mohd., Mubarik, Saddik, Sakuna, Samina, Talib, Irshad, Kala, Mosim, Kida, Nasima and Mumtaz were among those 30-40 persons who had attacked them and snatched service weapons from them and Mosim had attacked Constable Sandeep with a knife and Imtiyaz has attacked Constable Sandeep by putting a rope in neck and pulling the same with great force, he had also received injuries at the hands of accused persons. He identified the accused Rahul (through VC), Kala, Aarif, Mubarik & Talib, who were present in the Court.

9. PW2 Constable Sandeep has stated on oath that on 27.04.2022, he was posted at CIA Staff, Narnaul. On that day, in compliance of orders of Superior Police Officers, he along with Inspector Umar Mohd., SI Vinod Tyagi, HC

Ravidner, Constable Bhupender, Constable Rakesh, HC Deepak, Constable Parvinder, EHC Tejvir had proceeded from Narnaul to Nuh in Government vehicle make Bolero bearing registration no.HR-35R-1496 with driver Constable Vikas and in Government vehicle make Bolero bearing registration no.HR-35M-9338 with driver Constable Rajat for village Palla in Nuh District. They reached at village Palla and on the indication of secret informer of the house of Saddik, accused Rahul was apprehended. Inspector Umar Mohd. was making enquiry from him. In the meantime, a crowd from the village reached there and attacked them and accused Mosim snatched a pistol with 12 rounds from HC Deepak and Imtiyaz snatched magazine of AK47 rifle from Constable Rakesh which contained 20 rounds (cartridges) and Talib & Mubarik snatched Government weapon loaded with six rounds from EHC Ravinder. Names of accused were disclosed by secret informer to Inspector Umar Mohd. and they were over powered by those persons and government vehicle make Bolero bearing registration no.HR-35R-1496 was damaged by those persons and those persons kept beating them. In the meantime, police personnel from Police Station Sadar Nuh also reached at the spot and on seeing police coming towards the spot, those persons fled away from the spot along with Rahul and snatched police weapons. He did not remember name of the persons, who were involved in the attack and there were around 30-40 persons, who attacked them and he also received many injuries, on his left hand, on his neck and he become unconscious. Mosim attacked him with a knife and Imtiyaz attacked him by putting a rope around his neck and pulling the same with great force and he identified accused Rahul (through VC), Kala, Aarif, Mubarik, Talib, who were

present in the Court and IO recorded his statement under Section 161 Cr.P.C.

10. PW3 EASI Ramesh Kumar has stated on oath that on 04.05.2022, he conducted mechanical examination of Bolero bearing registration no.HR-35R-1496 and prepared report Ex.P1 which bears his signature at point A.

11. PW4 Dr. Naveen Aggarwal has stated on oath that he medico-legally examined and treated injured HC Deepak Kumar and Constable Rakesh and prepared their MLRs as Ex.P2 and Ex.P3 respectively.

12. PW5 Dharampal Draftsman has stated on oath that on 10.08.2022, he visited the place of occurrence and prepared scaled site plan Ex.P4 on the demarcation of Inspector Naresh Kumar which bears his signature.

13. PW6 SI Subhash has stated on oath that on 28.04.2022, upon receipt of a Tehrir written by SI Mahender through HC Raj Kumar, he registered the present FIR Ex.P5 and made it endorsement Ex.P6 on the tehrir and handed over of the copy of the same to HC Raj Kumar and he handed over the special report was submitted through Constable Irshad.

14. PW7 ASI Deepak has stated on oath that on 27.04.2022, he was posted at CIA Staff, Narnaul. On that day, as per orders of Superior Police Officers, he along with Inspector Umar Mohd., SI Vinod Tyagi, HC Ravidner, Constable Bhupender, Ct. Sandeep, Ct. Rakesh, Ct. Parvinder, EHC Tejvir had proceeded from Narnaul to Nuh in Government vehicle make Bolero bearing registration

no.HR-35R-1496 with driver Constable Vikas and in Government vehicle make Bolero bearing registration no.HR-35M-9338 with driver Constable Rajat for village Palla in Nuh District and they reached at village Palla and on the indication of secret informer of the house of Saddik and accused Rahul was apprehended. Inspector Umar Mohd. was making enquiry from him. In the meantime, about 30-40 men and women gathered there who were armed with *lathis*, *dandas* and stones in their hands and started raising noise and they attacked them. He and Constable Rakesh were caught by those persons and Imtiyaz snatched magazine of AK47 rifle from Constable Rakesh which contained 20 rounds (cartridges) and Mosam snatched service loaded pistol containing twelve rounds (cartridges) from him and Talib and Mubarik snatched government weapon loaded with six rounds from EHC Ravinder. Names of accused were disclosed by secret informer to Inspector Umar Mohd. They were over powered by those persons and government vehicle make Bolero bearing registration no.HR-35R-1496 was damaged by those persons and those persons kept beating them. In the meantime, police personnel from Police Station Sadar Nuh also reached at the spot. On seeing police coming towards the spot, those persons fled away from the spot along with Rahul and snatched police weapons. Imtiyaz, Aarif, Niyaz Mohd., Mubarik, Saddik, Sakuna, Samina, Talib, Irshad, Kala, Mosim, Kida, Nasima and Mumtaz were among those 30-40 persons, who had attacked them and snatched service weapons from them. Mosim had attacked Constable Sandeep with a knife and Imtiyaz attacked Constable Sandeep by putting a rope around his neck and pulled the same with great force. He had received injuries on his left leg, face,

chest and his back and they got treatment CHC Nuh and he identified the complaint Ex.P9 moved by Inspector Umar Mohd and he identified his signature on the same at Point-A as he had worked with him and seen him writing and signing documents in official capacity and he also read the aforesaid compliant, which bore a true description of the incident. He identified accused Rahul, Kala, Aarif, Mubarik, Talib who were present in the Court.

15. PW8 Constable Parmender has stated on oath that on 27.04.2022, he was posted at CIA Staff, Narnaul. On that day, as per orders of Superior Police Officers, he along with Inspector Umar Mohd., SI Vinod Tyagi, HC Ravidner, Constable Bhupender, Constable Sandeep, Constable Rakesh, HC Deepak, EHC Tejvir had proceeded from Narnaul to Nuh in Government vehicle make Bolero bearing registration no.HR-35R-1496 with driver Constable Vikas and in Government vehicle make Bolero bearing registration no. HR-35M-9338 with driver Constable Rajat for village Palla in Nuh District and they reached at village Palla and on the indication of secret informer of the house of Saddik, accused Rahul was apprehended. Inspector Umar Mohd. was making enquiry from him. In the meantime, about 30-40 men and women gathered there who were armed with *lathis*, *dandas* and stones in their hands and started raising *lalkara* and they attacked them. HC Deepak and Constable Rakesh was caught by those persons and Imtiyaz snatched magazine of AK47 rifle from Constable Rakesh which contained 20 rounds (cartridges) and Mosam snatched service loaded pistol containing twelve rounds (cartridges) from HC Deepak and Talib and Mubarik snatched Government weapon loaded with six rounds from EHC

Ravinder. Names of accused were disclosed by secret informer to Inspector Umar Mohd. and they were over powered by those persons and government vehicle make Bolero bearing registration no.HR-35R-1496 was damaged by those persons and those persons kept beating them. In the meantime, police personnel from Police Station Sadar Nuh also reached at the spot and on seeing police coming towards the spot, those persons fled away from the spot along with Rahul and snatched police weapons. Imtiyaz, Aarif, Niyaz Mohd., Mubarik, Saddik, Sakuna, Samina, Talib, Irshad, Kala, Mosim, Kida, Nasima and Mumtaz were among those 30-40 persons who had attacked us and snatched service weapons from the police team and Mosim had attacked Constable Sandeep with a knife and Imtiyaz has attacked Constable Sandeep by putting a rope in neck and pulling the same with great force, he had received injuries on his back and on his right hand and they got treatment CHC Nuh. He identified accused Rahul, Kala, Aarif, Mubarik & Talib, who were present in the Court.

16. PW9 Mahender Singh has stated on oath that on 27.04.2022, he was posted as Investigating Officer at Sadar Nuh. On that day, he received telephonic information through MHC that a police team from Narnaul has been assaulted by accused persons at village Palla. Upon said information he along with P/SI Munipal, ASI Sandeep and HC Raj Kumar reached village Palla, where they were informed that the injured police team has been shifted to CHC Nuh. Thereafter, he reached CHC Nuh, there he met with Inspector Umar Mohd. and he obtained MLR and other medical documents pertaining to the

police party's injury suffered in the assault. Inspector Umar Mohd. moved his complaint, upon which he wrote my tehrir Ex.P7 and he handed over the same to HC Raj Kumar for registration of FIR. Thereafter, he reached the place of occurrence and prepared a rough site plan Ex.P8 on the demarcation of Inspector Umar Mohd. and he recorded the statement at relevant time and relevant place and the investigation of the present case was transferred from him.

17. PW10 Constable Salim has stated on oath that on 25.05.2022, he was posted at CIA Nuh. On that day, he was associated in the investigation in the present case from the IO Naresh Yadav. On that day, accused Rahul was join investigation and his arrest memo Ex.P10, was prepared and he was interrogated, upon which he suffered disclosure statement Ex.P11 in which he admitted his guilt and two days police remand was obtained. In pursuance of disclosure statement accused got demarcated the place of occurrence vide memo Ex.P12 and all the aforesaid disclosure statement and police memo were attested by him as a witness and his statement was recorded by the investigating officer.

18. PW11 P/Inspector Naresh Kumar has stated on oath that on 01.05.2022, he was posted at CIA, Incharge, Nuh. On that day, case FIR no.228 dated 28.04.2022 was transferred to him by Superintendent of Police, Nuh for further investigation. On 25.05.2022, he submitted an application Ex.P16 to seek permission for accused Rahul to join the investigation and was produced in the

court where he was subsequently arrested vide arrest memo Ex.P10 and he also suffered his disclosure statement vide memo Ex.P11. After which the said accused was taken into police custody and two days police remand was obtained from the learned Illaqa Magistrate and he also demarcated the place of occurrence vide memo Ex.P12 and he recovered from the alleged place Ghasoli, District Alwar one magazine of AK47 or 20 round loaded vide memo Ex.P13 and he prepared the site plan of recovered magazine of AK47 or 20 round loaded as Ex.P14 and he drew Khakas Ex.P15 of magazine of AK47 with 20 round loaded and he recorded the statement of witnesses under section 161 Cr.P.C. then after, on 05.09.2022, he arrested accused Mubarik and Talim vide memo Ex.P17 and Ex.P18 respectively and he prepared seizure memo Ex.P19 of the aforesaid accused persons. During interrogation, accused Mubarik and Talim suffered their disclosure statements vide memo Ex.P20 and Ex.P21 respectively and Constable Navdeep and EASI Tek Chand signed the same as attesting witnesses. On 05.09.2022, accused Mubarik and Talim were produced before the learned Illaqa Magistrate and their three days police remand was obtained from the Court and during interrogation, they led the police party to the place of occurrence and he has prepared demarcation memo Ex.P22 and Ex.P23 and Constable Navdeep and EASI Tek Chand signed the same as attesting witnesses. On 08.09.2022, they again suffered their disclosure statements Ex.P24 and Ex.P25 respectively and Constable Manoj and Constable Phool Kumar signed the same as attesting witnesses and he recovered one pistol and six live cartridges vide recovery memo Ex.P26 from accused Mubarik and one pistol and 12 live cartridges were also recovered from

the accused Talim vide recovery memo Ex.P27 and he prepared Khaka Pistol no.18609228 along with nine live cartridge 9MM recovered from accused Mubarik vide memo Ex.P28 and he has also prepared the Khaka Pistol no.98609223 along with 12 live cartridge 9MM recovered from accused Talim vide memo Ex.P29. Thereafter, he has prepared recovery site plan Ex.P30 of accused Mubarik and he has also prepared recovery site plan Ex.P31 of accused Talim and he recorded the statement of relevant witnesses under Section 161 Cr.P.C. He identify the accused Talim, Mubarik and Rahul who were present in the court.

19. PW12 Constable Navdeep has stated on oath that on 26.05.2022, he along with Inspector Naresh Yadav was involved in the investigation of this case. On that day, one AK47 magazine along with 20 round was recovered from Ghasoli, District Alwar vide recovery memo Ex.P13 and he signed the same as attesting witness on point A and Investigating Officer arrested accused Mubarik and Talim vide arrest memo Ex.P17 and Ex.P18 and he signed the same as attesting witness on point A. During interrogation, IO recorded the disclosure statement of accused Mubarik and Talim vide memo Ex.P20 and Ex.P21 respectively and he signed the same as attesting witness on point A. IO prepared the demarcation memo Ex.P22 and Ex.P23. Case property was present in the court on that day and he Identified the accused present in the court.

20. PW13 Dr. Dharmander Singh has stated on oath that on 27.04.2022, he he medico-legally examined and treated injured namely Constable Sandeep

Kumar, Inspector Umar Mohd. Ct. Parmender and Ct. Ravinder Kumar and their MLRs are Ex.P32 to Ex.P35 and he also provided opinion Ex.P36 regarding the nature of injuries and weapon through which the injuries were sustained by the aforementioned police officials and injured Sandeep Kumar suffered simple injuries through sharp weapon, injured Pamender suffered simple injuries through blunt weapon, Injured Ravinder Kumar suffered simple injuries through blunt weapon and injured Umar Mohd. suffered simple injuries through blunt weapon.

21. PW14 SHO Ajayveer has stated on oath that on 21.08.2022, he was posted as Inspector/SHO, Police Station Nuh and after completion of investigation in the present case, he had prepared final report under Section 173 Cr.P.C. against accused persons which bears his signatures.

22. PW15 ASI Tek Chand has stated on oath that on 05.09.2022, he was posted as investigating officer at CIA Nuh and remained associated in the investigation of the present case. On that day, he along with IO Inspector Naresh Yadav arrested accused Mubarik and Talim vide memo Ex.P17 and Ex.P18 respectively. IO prepared seizure memo Ex.P19 of the aforesaid accused persons. During interrogation, accused Mubarik and Talim suffered their disclosure statements vide memo Ex.P20 and Ex.P21 respectively and Constable Navdeep and he signed the same as attesting witnesses. On 05.09.2022, accused Mubarik and Talim were produced before the learned Illaqa Magistrate and their three days police remand was obtained from the

Court. During interrogation, they led the police party to the place of occurrence and IO prepared demarcation memo Ex.P22 and Ex.P23 and Constable Navdeep and he signed the same as attesting witnesses and he recovered one pistol and six live cartridges vide recovery memo Ex.P26 from accused Mubarik and one pistol and 12 live cartridges were also recovered from the accused Talim vide recovery memo Ex.P27. On 19.09.2023, he arrested accused namely Kala @ Shamim and Aarif Khan vide arrest memo Ex.P37 and Ex.P38 respectively and he interrogated them upon which they suffered their disclosure statement Ex.P39 and Ex.P40 respectively. In pursuance of the disclosure statement both the accused demarcated the place of occurrence vide memo Ex.P41 and Ex.P42 respectively and he recorded the statement of witnesses at relevant time and relevant place and he identify the accused Talim, Mubarik, Kala and Aarif Khan, who were present in the court on that day.

23. PW16 Constable Manoj Kumar has stated on oath that on 08.09.2022, he was posted on General Duty at CIA Nuh and remained associated in the investigation of the present case. On that day, accused namely Mubarik and Talim resiled from their earlier disclosure statement and they again suffered their disclosure statements Ex.P24 and Ex.P25 respectively and Constable Manoj and he signed the same as attesting witnesses and Investigating Officer recovered one pistol and six live cartridges vide recovery memo Ex.P26 from accused Mubarik and one pistol and 12 live cartridges were also recovered from the accused Talim vide recovery memo Ex.P27 and Investigating Officer prepared Khaka Pistol no.18609228 along with nine live cartridge 9MM recovered from accused

Mubarik vide memo Ex.P28 and Investigating Officer also prepared the Khaka Pistol no.98609223 along with 12 live cartridge 9MM recovered from accused Talim vide memo Ex.P29. Thereafter, Investigating Officer prepared recovery site plan Ex.P30 of accused Mubarik and Investigating Officer also prepared recovery site plan Ex.P31 of accused Talim and all the aforesaid police memo and sketches etc. were attested by him as a witness. On 19.09.2023, IO EASI Tek Chand arrested accused namely Kala @ Shamim and Aarif Khan vide arrest memo Ex.P37 and Ex.P38 respectively. IO interrogated them upon which they suffered their disclosure statement Ex.P39 and Ex.P40 respectively. In pursuance of the disclosure statement both the accused demarcated the place of occurrence vide memo Ex.P41 and Ex.P42 respectively and all the aforesaid police memos were attested by him as witness and IO recorded his statement and he identified the accused Talim, Mubarik, Kala and Aarif Khan, who were present in the court on that day.

24. PW17 ASI Krishan Kumar has stated on oath that on 24.09.2022, he was posted as investigating officer at CIA Nuh and remained associated in the investigation of the present case along with IO Naresh Kumar Incharge CIA Nuh. On that day, IO took in possession CCTV footage on 27.04.2022 in a sendisk pen drive Ex.MO/4 from Alimuddin along with his certificate 65B Indian Evidence Act Ex.P43 vide memo Ex.P44, which was attested by him as a witness.

25. Learned Public Prosecutor has argued that from the statement of the

prosecution witnesses, the prosecution has proved its case against the accused persons that on 27.04.2022, the accused Rahul was wanted in a criminal case by police of District Narnaul and when police officials of District Narnaul went to arrest the accused Rahul, then the other co-accused persons, in furtherance of their common object, committed rioting, obstructed the police officials in performing their lawful duty, formed an unlawful assembly, assaulted police officials, caused sharp injuries to them, threatened them with dire consequences, wrongfully confined the police officials, snatched their weapons, damaged the police vehicle and further, caused obstruction & resistance, while the accused Rahul was taken into lawful custody and thereby, committed the offences punishable under Sections 148/149/186/332/353/324/506/342/379B/224/225, IPC & section 3(2) of the PDPP Act, 1984. Learned Public Prosecutor next contended that from the evidence on file, it is established that the accused committed the aforesaid offences and he prayed that the accused be held guilty and convicted of the said charges.

26. On the other hand, Learned Defence Counsel has argued that the accused persons have been falsely implicated in the present case and the complainant i.e. Inspector Umar Mohd. was never examined in the case in hand because of his death and there is no test identification parade so as to confirm identity of the accused persons as the assailants and no local police was involved at the time of the alleged occurrence and there was neither any DDR nor any Rapat Roznamcha to show lawful duty of the police officials of other District to arrest the accused Rahul and there is no proof or damage on the police vehicle as

alleged and as such, no case is made out against the accused persons and hence, the prosecution has not been able to prove its case against the accused persons beyond reasonable doubt. He, further, submitted that the accused persons be acquitted of the charges levelled against them.

27. The two cardinal principles of criminal jurisprudence are that the prosecution must prove its charge against the accused beyond shadow of reasonable doubt and the onus to prove the guilt of the accused to the hilt is stationary on the prosecution and it never shifts. The prosecution has to stand on its own legs so as to bring home the guilt of the accused conclusively and affirmatively and it cannot take advantage of any weakness in the defence version. The intention of the legislature in laying down these principles has been that hundreds of guilty persons may get free but even one innocent should not be punished. In the light of these principles, I proceed to determine the criminal liability of the accused.

28. As per the case of the prosecution, the accused Rahul was wanted in a criminal case by police of District Narnaul and when police officials of District Narnaul went to arrest the accused Rahul, the other co-accused persons, in furtherance of their common object, committed rioting, obstructed the aforesaid police officials in performing their lawful duty, formed an unlawful assembly and further, assaulted police officials, caused sharp injuries to them, threatened them with dire consequences, wrongfully confined the police officials, snatched their weapons, damaged the police vehicle and further caused obstruction &

resistance while the accused Rahul was taken into lawful custody. In order to prove its case, the prosecution has examined PW1 Constable Rakesh, PW2 Constable Sandeep, PW7 ASI Deepak, and PW8 Constable Parmender as they were the members of the police party, which went to the spot to arrest the accused Rahul on 27.04.2022.

29. Firstly, there is no documentary evidence with regard to registration of any FIR at Police Station Narnaul wherein the accused Rahul was wanted on 27.04.2022. Neither the FIR nor any other documentary record has been tendered by the prosecution to prove the same. All the aforesaid witnesses admitted that no DDR or rapat roznamcha was entered at the local police station before the police party went to arrest the accused Rahul. The prosecution produced pen-drive Ex.MO/4. The court has gone through the contents of the pen-drive Ex.MO/4 and there is nothing in the CCTV footage to show the alleged occurrence as detailed in the complaint Ex.P7. Admittedly, the complainant Inspector Umar Mohd. had expired and hence, he could not be examined by the prosecution.

30. So far as the aforesaid witnesses are concerned, they were member of the police party present at the spot. As per PW1 Constable Rakesh and PW2 Constable Sandeep, the accused Rahul was wanted in a criminal case and as per orders of the superior police officials, they proceeded from Narnaul to Nuh to apprehend him and the accused Rahul was apprehended on indication of the secret informer. In the meanwhile, 30/40 persons came and they were armed

with lathies, danda and stones. Constable Rakesh and ASI Deepak were caught by those persons. The accused Imtiyaz snatched AK47 rifle with magazine containing 20 rounds from Constable Rakesh and the accused Mosam snatched service pistol with 12 cartridges from ASI Deepak. The accused Talib & Mubarik snatched government weapon with cartridges from the police officials. The government vehicle make Bolero bearing registration no.HR-35R-1496 was damaged by the mob. The police party was given beatings. In the meanwhile, local police from Police Station Sadar Nuh reached at the spot and on noticing them, the assailants fled away from the spot along with the snatched police weapons. The accused Mosim had attacked Constable Sandeep with knife and the accused Imtiyaz tried to strangulate Constable Sandeep by using rope.

31. There is nothing in the testimony of PW1 Constable Rakesh to reflect as to what injuries were received by him and in what manner. As per his MLR Ex.P3, there are no visible injury on his person and the injuries mentioned by Constable Rakesh are only complain of pain. As already discussed above, neither any FIR against the accused Rahul has been tendered in evidence nor any such order of the senior police officer is part of prosecution evidence, so as to reflect that the police party had any lawful reasons to apprehend the accused Rahul.

32. PW2 Constable Sandeep mentioned similar facts in his testimony and further alleged that he became unconscious at the spot. However, none of the

remaining prosecution witnesses support the aforesaid version with regard to Constable Sandeep getting unconscious at the spot. Both the witnesses admitted that no police from the local police station accompanied them. They mentioned time of the alleged occurrence as 7.00 PM to 8.00 PM and thereafter, they reached the hospital at 9.00 PM. Similarly, PW7 ASI Deepak and PW8 Constable Parmender mentioned similar facts and alleged about receiving injuries in the incident. As per MLR Ex.P2 of ASI Deepak, the only visible injury is swelling on lips and there is no other visible injury on his person. Both the witnesses have not mentioned the manner, in which they suffered injuries and did not give details of the injuries suffered by them.

33. They also admitted that they were not in police uniform at the time of occurrence. Meaning thereby, it was not possible to identify them as police officials since they were not in police uniform, unless they had shown their identity cards or their identity could be confirmed by any other means. There is nothing in evidence to reflect that the accused persons had any opportunity to identify them as police officials. As per PW7 ASI Deepak and PW8 Constable Parmender, the incident took place at about 6.30 PM to 6.45 PM and they reached the hospital at about 7.15 PM. Hence, they have not corroborated the testimony of PW1 Constable Rakesh and PW2 Constable Sandeep with regard to time of the alleged occurrence.

34. As per the complaint Ex.P7, Inspector Umar Mohd., ASP Deepak and Constable Rakesh were wrongfully confined by the accused persons along with

other assailants in the mob. There is nothing in the complaint Ex.P7 to specify the place, where these officials were wrongfully confined. Even the testimonies of the aforesaid police officials are bereft of specific details as to where and in what manner, these police officials were wrongfully confined. However, site plan Ex.P4 reflects that these police officials were confined in house of Saddik and the incident of beatings and snatching took place on the road, which is around 50 feet away from the house of Saddik. There are no specific details in this regard in the testimony of the aforesaid police officials.

35. In addition to this, there is no documentary evidence on record so as to reflect that the aforesaid police officials were posted in District Narnaul at the time of the alleged occurrence or to show that the alleged weapons were allotted to them or to show that they were under lawful duty to arrest the accused Rahul or to show that they had fulfilled all the legal procedure while apprehending the accused Rahul in District Nuh in a case alleged to be registered in District Narnaul or to show if the accused Rahul was wanted in any criminal case at that time or not.

36. It is alleged that the police vehicle was also damaged in the said incident. The prosecution examined PW3 EASI Ramesh Kumar, who has proved the report Ex.P1 regarding mechanical examination of the vehicle in question. Surprisingly, the report Ex.P1 was issued on 04.05.2022 i.e. after about seven days of the alleged occurrence, when the vehicle was parked in the office of CIA Staff, Mahendergarh. Not only this, PW3 EASI Ramesh Kumar was also

posted as Motor Mechanic in police at District Narnaul. Meaning thereby, the alleged damaged vehicle was not even inspected by the local police investigating the case nor the same was mechanically examined by the local police officials. Delay of seven days in mechanical examination also creates doubt over the allegations regarding damage to that vehicle.

37. Though the aforesaid police officials mentioned about the accused persons fleeing away from the spot after the local police reached the spot. But PW9 Mahender Singh was the local police officials, who went to the spot and he admitted that he received information at 10.30 PM and then, he reached the spot at about 10.50 PM and thereafter, went to the hospital at 11.15 PM. As such, the aforesaid version about the local police reaching the spot at the time of the incident or immediately after the incident, is not supported by PW9 Mahender Singh.

38. PW11 Inspector Naresh Kumar is a witness to the alleged recovery of weapons from the accused Mubarik, the accused Talim @ Talib and the accused Rahul. During his cross-examination, PW11 Inspector Naresh Kumar failed to identify the accused Talim and in fact, he identified the accused Aarif as the accused Talim. So far as recovery from the accused Rahul is concerned, the weapons were recovered, vide seizure memo Ex.P13, from an open place, which was accessible to all and the said recovery was effected after about one month of the alleged occurrence. The remaining two recoveries were effected after about four months and the alleged place of recovery is house of the

accused Talim and house of the accused Mubarik. Even in such sensitive case, no public witness was joined at the time of the alleged recovery nor any Sarpanch, Panch or respectable persons of that village was joined during recovery. Moreover, when allotment of these weapons to the police officials has not been proved by the prosecution, it severely dents the aforesaid recovery proceedings and making it highly doubtful. Apart from this, there is no other evidence to link the accused persons with the alleged crime. The testimony of remaining prosecution witnesses is of formal nature. Hence, the prosecution has not been able to prove its case against the accused persons beyond reasonable doubt in respect of any of the charges levelled against them.

39. In the light of the facts and circumstances discussed above and also the evidence on record, the prosecution has not been able to prove its case against the accused beyond all reasonable shadow of doubt that on 27.04.2022, the accused persons, in furtherance of their common object, committed rioting, obstructed the police officials in performing their lawful duty, formed an unlawful assembly and further, assaulted police officials, caused sharp injuries to them, threatened them with dire consequences and further, wrongfully confined the police officials, snatched their weapons, damaged the police vehicle and further caused obstruction & resistance, while the accused Rahul was taken into lawful custody and thereby, committed the offences punishable under Sections 148/149/186/332/353/324/506/342/379B/224/225 of IPC and section 3(2) of PDPP Act, 1984 of which they have been charge sheeted. Accordingly, I, hereby, acquit all the accused persons of the charges levelled against them, while giving

them the benefit of doubt. Bail bonds and surety bonds of the accused persons stand discharged. Case property be disposed of as per rules, after expiry of the period of limitation for filing of an appeal/revision, if any. Superdiginama furnished, if any, stands cancelled. File be consigned to the record room after due compliance.

Pronounced in Open Court.
Dated: 11.03.2026

(Dr. Rahul Bishnoi)
Additional Sessions Judge
Nuh.

Note: All the twenty seven pages of the judgment have been checked and signed by me.

Dated: 11.03.2026
Anil Kumar, JW-I

(Dr. Rahul Bishnoi)
Additional Sessions Judge
Nuh.
UID No.HR0209