

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1.	CRA-S-2220-SB-2006 Reserved on:-15.11.2022 Date of Decision: 15.02.2023	
Suresh Kumar and others	Versus	...Appellants
State of Punjab		... Respondent
2	CRA-S-2259-SB-2006	
Varinder Singh	Versus	...Appellant
State of Punjab		... Respondent
3	CRA-S-2349-SB-2006	
Kedar Nath and others	Versus	...Appellants
State of Punjab		... Respondent
4	CRA-S-2383-SB-2006	
Prabhuu Dayal	Versus	...Appellants
State of Punjab and others		... Respondents
5.	CRA-S-2384-SB-2006	
Dinesh Kumar and others	Versus	...Appellants
State of Punjab		... Respondent
6.	CRA-S-2385-SB-2006	
A.N. Mishra	Versus	...Appellant
State of Punjab		... Respondent
7.	CRA-S-2404-SB-2006	
Sant Ram	Versus	...Appellant
State of Punjab		... Respondent

8. CRA-S-2405-SB-2006

Chotte Lal Ram Parshad		...Appellant
	Versus	
State of Punjab		... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present:- Ms. Promila Nain and Ms. Harleen Ahluwalia, Advocates
for the appellants.

Mr. Vipin Pal Yadav, Addl. A.G. Punjab.

N.S.SHEKHAWAT, J.

This judgment shall dispose of a batch of above mentioned eight criminal appeals, which arise out of a common impugned judgment of conviction and order of sentence dated 04.11.2006 passed by learned Additional Sessions Judge, Fast Track Court, Ludhiana, whereby the appellants were convicted under Sections 148, 440, 427, 353, 186, 188, 332 read with Section 149 IPC and were sentenced to undergo rigorous imprisonment for two years under Section 148 IPC; rigorous imprisonment for three years and to pay a fine of Rs. 1000/- under Section 440 IPC alongwith default stipulation; rigorous imprisonment for two years under Section 427 IPC; rigorous imprisonment for two years under Section 332 IPC; rigorous imprisonment for one year under Section 353 IPC, rigorous imprisonment for three months under Section 186 IPC and rigorous imprisonment for one month under Section 188 IPC. All the substantive sentences were ordered to run concurrently.

The brief facts of the prosecution case are that FIR in the instant case was got registered by Sandeep Kumar, SI/SHO, Police Station Focal Point, Ludhiana. As per the complainant, he received a telephonic call to reach on Vardhman Chowk, Chandigarh Road, where, certain anti-social elements had obstructed the traffic by staging Dharna. The complainant alongwith other police officials reached at Vardhman Chowk on a government gypsy, which is driven by Constable Rakesh Kumar. Inderjit Singh, SI/SHO Police Station Division No. 7 and Gurbaj Singh SI/SHO Police Station Division No. 6 alongwith the police party were already present there. When the complainant reached there, a mob of about 700/800 persons had obstructed traffic on Chandigarh road and were raising slogans. In the meanwhile, DSP, Industrial Area also came there and instructed the mob to disperse as their such acts were illegal. P. D. Yadav, Gulab, Bobby Chandala, Bobby Kumar, Bhushan Kumar, Sukhdev Singh, Darshan Lal, Ram Niwas Pehlawan etc. were making announcement to set the policemen on fire, in case, they interfered with the *Dharna* and started raising slogans against the police. On their instructions, the mob, which included the above said persons raised slogans and started pelting stones on the police team. A Government gypsy bearing registration No. PB-08F-2312 parked on the road and one private Maruti car were overturned by them and both the vehicles were set on fire. A small wireless challenger MB Set, microphone speaker, areal, one RF lead, one set of telephone MB, battery, Antenna alongwith wireless set, which were lying in gypsy, were burnt. Even,

the private car was set on fire. The mob was instigated by P. D.Yadav etc., for moving forward to set the Police Station Division No. 7 and a petrol pump adjacent to police station on fire. If the above mob moved ahead, a huge loss could be there. To stop the mob from proceeding further, the complainant fired eight shots in the air with his service revolver and five more shots were fired by Constable Bua Singh, on the directions of the DSP Industrial Area. They stopped P.D. Yadav etc., and asked them to obey the orders. In the meantime, police force arrived there from the police lines. The higher officers of the police and SDM also reached there. On seeing the heavy police force, the mob started to disperse. It was stated in the FIR that above named accused 700/800 persons were armed with deadly weapons, committed an offence under Sections 307, 436, 427, 332, 353, 341, 186, 187, 188, 189, 190, 152, 148 and 149 of IPC. With these broad averments, the FIR in the instant case was got registered by the complainant. After the registration of the FIR, the case number was informed to the complainant.

After conducting the necessary investigation, the final report under Section 173 Cr.P.C., was presented by the police in the Court of learned Area Magistrate. Since, the case was triable by the Court of Sessions, it was ordered to be committed to the Court of Sessions Judge. Vide order dated 23.11.2002, the learned trial Court ordered framing of charge against the appellants under Sections 307, 332, 353, 186, 188, 440, 427, 148 and 149 of IPC, to which, the accused pleaded not guilty and claimed trial.

To prove the charge, the prosecution examined 18 witnesses.

Constable Charanjit Singh was examined as PW1, who joined the investigation of the present case with SHO of Police Station Division No. 7. One Maruti car bearing registration No.DL-2CP-4300, in which, a wireless set was fitted was taken into possession with the RC, log book etc., vide memo Ex.PA and also one burnt gypsy bearing registration No. PB-08-F-2312 alongwith wireless set and speaker were also taken into possession vide memo Ex. PB. The burnt wireless sets were exhibited as Ex.P1 and P2, whereas vide Ex.PC, some other articles were taken into possession. The prosecution further examined PW2 Rachhpal Singh, Draftsman, who had prepared the scaled site plan Ex.PD. Prosecution further examined PW3 HC Jarnail Singh, who joined the investigation on 24.04.2002 near the place of occurrence. He stated that he had the jurisdiction in the area of EWS colony as a beat officer and he knew the residents of that area. He clearly stated that he identified Dinesh Kumar, Sukhdev Singh, Darshan Kabaria, Shamo, Chhote Lal and another junior Chhote Lal, Suresh, Prabh Dayal Yadav, A.N. Mishra and others. He also identified the ladies as Malti, Asha and two other ladies. Regarding the rest of the allegations in the FIR, he supported the case of the prosecution. He clearly stated that the members of the unlawful assembly had attacked the police party with brick bats and some of them were also having iron rods with them. They had also set the gypsy and a Maruti car on fire. Apart from that, in his

cross-examination, he stated that the accused Dinesh, Suresh, Baby Chandal, Shamo, Chhote Lal, Junior Chhote Lal, Yadav and his wife Malti damaged the vehicles. Similarly, PW4 SI Sandeep Kumar was examined and he supported the case of the prosecution in totality. He named P.D. Sharma (Yadav), Babbi Kumar, Babbi Chandal, Sukhdev Singh, Darshan Singh and Ram Bilas. They tried to pacify the mob, but instead of that, 7/8 leaders moved to the car and motivated the mob to set the police officers on fire. At their instigation, the mob started pelting stones on the police party. Some members of the mob attacked the police gypsy and a private car. Both the vehicles were set on fire and burnt totally. He also supported the case of the prosecution. In his cross-examination, he specifically denied that the accused were holding peaceful rally on 24.04.2002. He also identified Malti, Madhu and Rekha. However, it requires mention that Malti, Madhu and Asha Devi were ordered to be released on probation by the learned trial Court. The prosecution further examined PW5 SI Raj Kumar, who was the Investigating Officer of the case on 24.04.2002. He visited the site, prepared the rough site plan Ex.PW5/1 with correct marginal notes. The burnt gypsy, Maruti car and the brick bats were taken into possession vide recovery memos Ex.PB and Ex.PC. He had recorded the statements of HC Jarnail Singh. 18 accused were arrested in the area of Sabzi Mandi, Vardhman, Ludhiana and their names were Dinesh Kumar, Suresh Kumar, Ikarma, Kidar Nath, P.D. Yadav, Chhote Lal, Chhotu Parshad, Varinder, Mohammad Imtiaz, Chhote Lal and another. The accused were interrogated. SI Sandeep

Sharma also reached there and identified the accused. Separate memos were prepared from the personal searches of the accused. He prepared Ex.PW5/2, PW5/3, PW5/4, PW5/5, PW5/6, PW5/7, PW5/8, PW5/9, PW5/10, PW5/11, PW5/12, PW5/13, PW5/14, PW5/15, PW6/16, PW5/17, PW518 and PW5/19, i.e., the personal search memos of accused Chhote Lal, Ajay Singh, Krishnana, Ikarma, Dinesh Kumar, Kidar Nath, Mohammad Imitiz, Ram Safal, Prabh Dayal Yadav, Chhadu Parshad, Varinder Singh, Suresh Kumar, Radhe Sham, Rakesh Kumar, Kashi Nai, Sonu, Ram Preet Bharti and Chhote Lal son of Ram Parkash, respectively. All the accused thumb marked/signed their respective memos and were attested by H.C. Satwinder Singh and C. Desh Raj. The accused were lodged in the police lockup. He also arrested Ghaniya Lal, Sham Parshad and Pammi Kumar accused from the area of Samrala Chowk and they were also interrogated by him. He prepared the personal search memos Ex.PW5/20, Ex.PW5/21 and Ex.PW5/22 of accused Ghaniya Lal, Shamu Parshad and Pammi Kumar, respectively. He also arrested Asha Devi, Madhu and Malti from EWS colony and their personal search memos were also prepared as Ex.PW5/23, Ex.PW5/24 and Ex.PW5/25, respectively. He also arrested Sanjiv Kumar, Ram Singh, Ramesh and Bant Ram from the area of Baba Jaswant Singh Trust and their personal search memos were prepared as Ex.PW5/26, PW5/27, PW5/28 and Ex.PW5/29, respectively. He also arrested Sat Narain and Rameshwar from the area of Baba Jaswant Singh Trust. He also recorded the disclosure statements of Dinesh Kumar, P.D. Yadav,

Ikarma and Kidar Nath. Dinesh Kumar, accused got recovered one rod and match box in pursuance of his disclosure statement. Accused P. D. Yadav led the police party to a vacant plot and got recovered one iron rod, whereas Ikrama got recovered a *dang* and Kidar Nath also got recovered one *dang* from the same plot. Separate memos were prepared in this regard. ASI Surjit Singh was entrusted with the investigation on 10.03.2003. He arrested accused Gulab Chand and A. N. Mishra, who was on anticipatory bail and the said witness was examined as PW6 by the learned trial Court. The prosecution further examined PW7 H.C. Sukhwinder Singh, who was posted in the area and was member of the police party at the time of the occurrence. SI Raj Kumar apprehended 17 accused in his presence and he identified them at the spot to be the same persons, who had caused obstructions to the police for performing their lawful duty and had also caused obstruction to the general traffic and had caused damage to the police vehicles at Vardhman Chowk. The accused, who were arrested on that day were P.D. Yadav, Dinesh, Bikram, Chhotu Parshad, Suresh Kumar, Gurinder, Sonu, Mohammad Imtiaz, Chhote Lal, Rakesh Kumar, Krishna, Ram Safal, Rameshwar, Kidar Nath, Sanjiv Kumar, Pammi Kumar and Radhe Sham. He had identified the accused as they were already known to him as they lived in the same locality, where the witness was posted. He stated that SI Sandeep Kumar had also identified the accused. The prosecution further examined PW8 H.C. Des Raj, who joined the police party headed by ASI Harbans Singh. Ghaniya and two other accused were interrogated in his

presence. This witness turned hostile and was allowed to be cross-examined. However, in his cross-examination, he admitted in his statement dated 27.04.2002, he had stated that the names of the accused, who were arrested in his presence were Ghaniya Lal, Shamu Parshad and Pammi Kumar. He admitted that he had stated in his statement about the names of the accused Sant Ram, Rameshwar, Sanjiv Kumar and Ramji Singh. He further admitted that in his statement, he had stated that the accused were interrogated by ASI Harbans Singh and Constable Kamaljit Singh. He also identified Sant Ram, Rameshwar, Ramji Lal and Sanjiv Kumar, who had committed the offence at Vardhman Chock on 24.04.2002. The prosecution further examined PW9 Constable Kawaljit Singh. He was present alongwith other police officials at the place of occurrence on 24.04.2002. He specifically named P.D. Yadav and A.N. Mishra as the persons, who has headed the mob. The mob obstructed the free flow of the traffic, threw brick bats on passing vehicle and after that one Maruti car and police gypsy were put on fire. He further stated that all the other accused present in the Court were members of the mob and were causing obstruction and were throwing the brick bats and they were also setting the vehicles on fire. He also identified Sant Ram accused present in the Court. The prosecution further examined PW10 SI Inderjit Singh, who was part of the police team present at the place of the occurrence. He stated that 400/500 persons residents of EWS colony had collected there and had placed the dead body in Vardhman Chowk and obstructed the traffic. The leader of the member mob were

Prabhdial Yadav, Bobby Kumar, Bobby Chandal, Subash, Darshan Lal, Gulab, Sanjay, Ajay, Dinesh, Suresh, Bikram, Rakesh, Kanaya and A.N. Mishra etc. They advised them not to obstruct the traffic, but they started pelting stones on the police party and also damaged the vehicles. They also set one gypsy on fire. The accused also pelted stones on the police party, as a result of which, Rajiv Kumar driver of the gypsy got injured. The accused had also set on fire his private Maruti car bearing registration No. DL-4CF- 4300. He clearly stated that all the accused were present in the Court on that day. The accused Sukriv set his car on fire. On 27.04.2002, he joined the police party of SI Raj Kumar and accused Kanaya, Shamu Parshad and Pammy Kumar were arrested by SI Raj Kumar in his presence. He identified the accused at the spot, who had committed the offence on 24.04.2002 by pelting stones on the police party and attacked the police party in order to murder them and caused damage to the vehicles. The prosecution further examined PW11 SI Chamkaur Singh, who brought the record pertaining to the allotment of the gypsy bearing registration No. PB-08-F-2312 which was allotted to SI/SHO Police Station Focal Point. Constable Harmesh Lal was examined as PW12. He was also present at the spot and had witnessed the occurrence. He stated that about 700/800 persons had blocked the traffic at Vardhman Chowk. SHO Gurbaz Singh requested the persons to clear the road but they started throwing stones on their gypsy and he was standing besides the driver seat of the gypsy. The mob led by Prabh Dayal also raised slogans against the Punjab police. They started

throwing brick bats on the police. He identified Prabh Dayal as the person, who had incited the mob to throw brick bats on them. One of the brick bat hit on his left eye brow. He was taken to a private doctor who medically attended his wound and had given the stitches. The prosecution further examined PW13 HC Prem Dass, who had witnessed the interrogation of the accused Prabh Dayal Yadav. Accused Prabh Dayal Yadav got recovered one iron rod in pursuance of his disclosure statement. He identified him as well. Still further Dinesh Kumar also got recovered one iron rod alongwith match box in pursuance of his disclosure statement and he identified him. Vikram also got recovered one *Dang* in pursuance of his disclosure statement and he identified him. Still further, accused Kedar Nath, also got recovered one *Dang* in pursuance of disclosure statement. Their respective weapons were taken into possession vide memos Ex.PW5/36, PW5/34, PW5/38 and Ex.PW5/40. PW14 HC Kulwinder Singh was also present at the place of occurrence alongwith other police officials. All the members of the mob forcibly came to the gypsy, in which, he was sitting. SI Sandeep Kumar tried to pacify all the members of the mob but the mob did not allow them to come out of the gypsy and they had set their gypsy on fire. SI Sandeep Kumar fired in the air and then they were able to come out of the gypsy. The mob also set the Maruti car of SI Inderjit Singh on fire and they overturned both the vehicles. He identified the accused Radhey Sham, Krishna, Pawan, Kanaya, Varinder, P.D.Yadav, Dinesh, Pehalwan, Mishra Pardhan and ladies Malti, Asha and Madhu. He also stated

that the remaining accused present in the Court were also members of the mob. He stated that Dinesh Kumar had lit fire. The did not catch any persons, because they were saving their own lives. Deepak Kumar Photographer was examined as PW15 and exhibited the photographs Ex.PW5/A and Ex.PW5/B of the spot. Dr. G.P. Mangla, Medical Officer, Civil Hospital, Ludhiana, was examined as PW16, who had medico-legally examined Constable Harmesh Lal. He found a stitch wound lynch on the left eye brow of Constable Harmesh Lal and proved his MLR Ex.PW16/A and pictorial diagram as Ex.PW16/B. The prosecution further examined Constable Bua Singh as PW17 who was present at the place of the occurrence alongwith police officials. He stated that all the accused, present in the Court were present at the spot. All the people including the accused persons were raising slogans against the Punjab police. He named P.D. Yadav, Subhash Kumar, Raju, Ghaniya, Krishna, Pawan Kumar, Radhey Sham, Darshan and Dinesh Kumar as accused. Accused P.D. Yadav was leading the accused and instigating the accused to harm the police and was exhorting to co-accused to set the Government vehicle on fire. Accused P.D. Yadav was accompanied by Gulab, Sukhdev, Babi and Babbi Kumar etc. and was asking them to set the petrol pump and police station ablaze. The prosecution further examined Bahadur Singh Dhillon as PW18, who was working as Manager in the Branch Office, Indian Express, Ludhiana. He stated that the photographs of the agitation were published in the newspaper.

After the closure of the evidence, the statements of the accused were recorded under Section 313 Cr.P.C. and the accused had taken a stand that they were innocent and had been falsely implicated in the present case. They denied that they had ever present in the said mob and raised slogans against the Police being migrants and poor persons. Almost similar stands were taken by all the accused in their respective statements under Sections 313 Cr.P.C.

The accused examined DW1 Amarjit Singh, who stated that his son Sanjog @ Sanju @ Golu was kidnapped on 23.04.2002. When they went to the police station to lodge the complaint, the police did not lodge the complaint and, thereafter, he paid Rs. 100/- to the police person to take his complaint. No action was taken despite repeated requests by him, his relatives, friends and residents of the colony. Ultimately, he found the dead body of his son, who was murdered brutally after committing sodomy upon him. Police did not take action in spite of number of requests and ultimately all the colony residents went to the police station and peacefully protested against the working of the police as his wife was not talking anything as his wife was under shock due to the murder of a child. He further stated that all the accused, who were present in the Court were taken from their houses and they were not present at the spot. The accused further examined DW2 Ram Lal Verma, who was having a shop near the shop of Dr. P. D. Yadav. He stated that Dr. P. D. Yadav was arrested on 25.04.2002 from the shop by 4/5 police officers who visited in gypsy. In his cross-examination, he stated that he did not

inform the senior officers of the police and had been knowing the accused for the last 20/21 years.

I have heard learned counsel for the accused as well as of learned State counsel and with their able assistance, I have gone through the trial Court record.

Learned counsel for the appellants vehemently argued that in the instant case, it has been alleged that a mob of 500/600 persons had attacked the police and it happened in broad day light at Vardhman Chock, Ludhiana. Even, it was a busy place and several persons were passing through the area. However, no independent witness was joined or produced by the prosecution before this Court. The police officials, who were already inimical towards the accused were only cited as witnesses. Even otherwise, Sanjog @ Sanju @ Goly son of DW1 Amarjit Singh was kidnapped on 23.04.2002 and after repeated requests, the police failed to take action. Ultimately, Amarjit found the dead body of his son and he was killed after sodomy upon him. In spite of repeated requests, the police had failed to take any action. When the residents of colony raised slogans against the Punjab police, the present appellants were falsely implicated in the instant case without any evidence. The said submissions made by the learned counsel for the appellants have been opposed by learned State counsel by contending that a mob of 500/600 persons had attacked the police party and stones were pelted on the police. Apart from that, one official gypsy and private car of SI Inderjit Singh were set on fire by mob. Even, the police officials had

to fire in the air to save their lives. In such a situation, the police was making efforts to save their own lives and it was impossible to look for independent witnesses. Even otherwise, after the occurrence, there was deployment of heavy police officials and no independent witness would be willing to join the proceedings in such a situation. I find sufficient force in the submissions made by learned counsel for the State of Punjab. The testimonies of official witnesses could not have been discarded and doubted only on the ground of their official status. No doubt, the Courts look for independent corroboration, but in extra-ordinary situation like the present one, it is impossible to find an independent person. Hundred of persons pelted stones and set the police vehicle and one Maruti car on fire and also damaged public property, whereas on the other hand, the police had to resort to fire in the air to save their lives. In such an extra-ordinary situation, an ordinary person would be discouraged to depose as prosecution witness. In the instant case, officials of Punjab police had appeared as witnesses and had duly identified the accused present in the court. All the witnesses were subjected to lengthy cross-examination and their testimonies could not be shaken in any manner. Thus, the arguments raised by the learned counsel for the appellants is without any substance and is rejected.

Learned counsel for the appellants further submitted that the official witnesses did not identify the accused present in the Court and on this ground as well, the accused were entitled to be acquitted.

Apart from that, the police could not have identified the appellants as they were ordinary persons and had no criminal background.

Learned State counsel opposed the said submission by submitting that the accused present in the Court were duly identified by the official witnesses. Most of the accused were already known to the police officials, as the police officials remained posted in the said area where the accused were residing. Apart from that the accused Suresh Kumar was named by PW3 H.C. Jarnail Singh, PW5 SI Raj Kumar, PW7 HC Sukhwinder Singh and PW10 S.I. Inderjit Singh; accused Chhotu Parsad was named by PW5 S.I. Raj Kumar, PW7 H.C. Sukhwinder Singh; accused Ram Safal and Sonu were named by PW7 H.C. Sukhwinder Singh; accused Chhote Lal was named by PW3 HC Jarnail Singh, PW5 S.I. Raj Kumar and PW7 H.C. Sukhwinder Singh; accused Bikram was named by PW5 S.I. Raj Kumar, PW7 H.C. Sukhwinder Singh and PW13 H.C. Prem Dass; accused Pammi Kumar was named by PW7 H.C. Sukhwinder Singh, PW8 H.C. Des Raj and PW10 S.I. Inderjit Singh; accused Sugreev was named by PW10 SI Inderjit; accused Rameshwar was named by PW7 H.C. Sukhwinder Singh, PW8 H.C. Des Raj and PW10 S.I. Inderjit Singh; accused Sanjiv Kumar was named by PW5 S.I. Raj Kumar, PW7 H.C. Sukhwinder Singh and PW8 H.C. Des Raj; accused Gulab Chand and Sham Prasad were named by PW10 SI Inderjit Singh; accused Ramji named by PW8 H.C. Des Raj and PW9 Constable Kamaljit Singh; accused Varinder Singh was named by PW5 S.I. Raj Kumar and PW14 H.C. Kulwinder Singh; accused

Kedar Nath was named by PW5 S.I. Raj Kumar and PW13 H.C. Prem Dass; accused Mohd. Imtiaz was named by PW5 S.I. Raj Kumar and PW7 H.C. Sukhwinder Singh; accused Rakesh Kumar was named by PW7 H.C. Sukhwinder Singh and PW10 S.I. Inderjit Singh, accused Prabhu Dayal was named by PW3 H.C. Jarnail Singh, PW9 Constable Kamaljit Singh, PW10 S.I. Inderjit Singh, PW12 Constable Harmesh Lal, PW13 H.C. Prem Dass, PW14 H.C. Kulwinder Singh, and PW17 Constable Bua Singh; accused Dinesh Kumar was named by PW3 H.C. Jarnail Singh, PW5 S.I. Raj Kumar, PW7 H.C. Sukhwinder Singh, PW10 S.I. Inderjit Singh, PW13 H.C. Prem Dass, PW14 H.C. Kulwinder Singh and PW17 Constable Bua Singh; accused Ajay Kumar was named by PW10 S.I. Inderjit Singh; accused Pawan Kumar was named by PW14 H.C. Kulwinder Singh and PW17 Constable Bua Singh; accused A.N. Mishra was named by PW3 H.C. Jarnail Singh, PW9 Constable Kamaljit Singh, PW10 S.I. Inderjit Singh and PW14 H.C. Kulwinder Singh; accused Sant Ram was named by PW8 H.C. Deshraj and PW9 Constable Kamaljit Singh and accused Chotte Lal was named by PW3 H.C. Jarnail Singh, PW5 S.I. Raj Kumar and PW7 H.C. Sukhwinder Singh. Accused Ramji Singh was named by PW8 H.C. Deshraj and PW9 Constable Kamaljit Singh.

However, I find that the appellant Ram Preet Bharti was not named by any of the prosecution witnesses. Consequently, the submissions made by the learned counsel for the appellants are partly accepted to the extent that appellant No. 4 Ram Preet Bharti in CRA

S-2220-SB of 2006 was not named by any of the witnesses produced by the prosecution and he is entitled to benefit of doubt and is ordered to be acquitted. Rest of the accused were duly identified by the witnesses and have been rightly convicted by the trial Court.

Apart from that, I have carefully perused the findings recorded by the learned trial Court. The trial Court has discussed the ingredients of each offence, i.e. 148, 353, 440, 332, 427, 188 and 186 IPC and rightly convicted the accused for the said offences. The accused had formed an unlawful assembly, duly armed with deadly weapons, i.e. brick bats, iron rods etc., and had committed the offence of rioting at Vardhman Chowk, Ludhiana. Even, it is apparent from the testimony of PW1 Constable Charanjit Singh that the accused were present at the place of occurrence, even though, the said witness stated that there was only peaceful protest by the residents of the colony. However, the evidence led by the prosecution clearly suggested that the accused had apparently indulged in rioting at the place of the occurrence. Apart from that, the learned trial Court rightly held that the mob, which consisted of the appellants/accused and other persons had obstructed the free flow of traffic on the main road and even did not disperse after the orders were issued to them in this regard, had clearly committed an offence under Section 186/188 IPC. They also caused injuries to PW12 HC Harmesh Lal and the MLR and pictorial diagram in this regard was duly proved on record by PW16 Dr. G.P. Mangla. Thus, the offences under Sections 332 and 353 IPC were clearly made out. Apart from that, the accused pelted

stones on the police officials and the public and had damaged the vehicles of the police and the car owned by PW10 SI Inderjit Singh and the offence under Section 427 IPC was clearly made out. Apart from that, the offence under Section 440 IPC also made out in view of the fact that while setting the gypsy and the car on fire, the injury was caused to PW12 HC Harmesh Lal and the said injury was duly proved by PW16 Dr. G.P. Mangla. Thus, the learned trial Court has recorded valid and good reasons for convicting the appellants under Sections 148, 440, 427, 353, 186, 188, 332 read with Section 149 IPC and the impugned judgment of conviction is liable to be upheld by this Court. Consequently, the impugned judgment of conviction and order of sentence dated 04.11.2006 passed learned Additional Sessions Judge, Fast Track Court, Ludhiana, are upheld and affirmed.

All pending applications, if any, are disposed off, accordingly.

The case property, if any, may be dealt with as per the rules after expiry of period of limitation for filing the appeal.

Records of the Court below be sent back.

15.02.2023
amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No