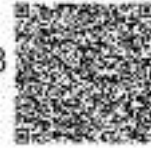


**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

219

2025.PHHC:175553



CRA-S-1202-2025 (O&M)

Reserved on: 21.11.2025

Date of decision: 17.12.2025.

Uploaded on: 17.12.2025.

ROHIT AND ANOTHER

... Appellant(s)

VERSUS

STATE OF HARYANA

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

PRESENT Mr. Sunny Tyagi, Advocate,
for the appellants.

Mr. Vivek Chauhan, Addl. A.G. Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The present appeal has been filed against the judgment dated 10.03.2025 and the order of sentence dated 12.03.2025 by which the appellants Rohit and Akshay have been convicted for offence under Section 379-A (2) read with Section 34 of the IPC and sentenced to undergo rigorous imprisonment for a period of 5 years each, along with a fine of Rs. 25,000/- each by the Sessions Judge, Panipat. The appellants were further directed to undergo rigorous imprisonment for a period of one year in default of payment of the fine.

2 Briefly summarized, the facts of the present case are that on 06.09.2022, a written complaint was submitted by the complainant Satyawar (son of Rameshwar), alleging therein that he had been running a grocery shop in his house. His mother Santro Devi also used to sit with him in his shop. On 06.09.2022, Satyawar had gone outside for some work. At noon, three boys came to the grocery shop of Ravinder (son of Jagdish) and demanded a cold drink. Ravinder gave them the cold drink whereupon one of the boys offered to pay by way of a currency note of Rs. 2000/-. The former told him that he did not have any change on which all the above three boys left the shop. They then went to the grocery shop of Satyanarayan (son of Hukmi) where his wife Reena was sitting and demanded a box of pure ghee. They first offered the currency note of Rs. 2000/- for the same and then told Reena (wife of Satyanarayan) that the ghee was overpriced. Thereafter, the boys came to the complainant Satyawar's shop, where his mother Santro Devi was sitting. The boys demanded a cold drink and when Santro Devi was giving them the cold drink, two boys entered his shop, snatched away the gold earrings worn by her and fled on the motorcycle towards village Rairkalan. The complainant further averred that the said motorcycle was black and had a broken number plate with the initials 'PB'.

3 On the basis of Satyawar's complaint, a case under Section 379-A read with Section 34 of the IPC was registered and investigation proceedings were initiated. However, the accused persons could not be traced out. An untraced report was hence initially submitted on 10.11.2022. Thereafter, on 03.12.2022, accused Rohit and Akshay (the appellants herein)

were joined in the investigation and arrested in this case.

4 During interrogation, they suffered disclosure statements, admitting their involvement in the crime and also disclosed the involvement of co-accused Vikas. They also demarcated the place of occurrence. Co-accused Akshay later got recovered a motorcycle bearing registration no. PB-26H-7226 of make Honda that had been used in the crime and it was taken in possession vide a separate seizure memo. On 06.12.2022, the accused Rohit and Akshay got recovered an amount of Rs. 2000/- each that they had received after selling the snatched gold earrings and the same were also taken in possession vide a separate seizure memo. Later on, co-accused Vikas was also arrested.

5 After completion of the investigation, a challan under Section 173 of Cr.P.C. was presented before the Illaqa Magistrate for the trial of the accused. The Illaqa Magistrate, vide order dated 06.02.2023, committed the case against the accused to the Court of Sessions. After going through the final report and on hearing the parties, charges were framed by the Sessions Court against the accused under Section 379-A read with Section 34 of the IPC, vide order dated 27.02.2023. The accused pleaded not guilty to the said charge and claimed trial.

6 To substantiate its case, the prosecution examined the following eleven witnesses and closed its evidence vide statement dated 19.02.2025: -

PW-1	Iqbal (son of Nathu Khan)
PW-2	Reena (wife of Satyanarayan)

PW-3	Satyawan (complainant)
PW-4	Santro Devi (wife of Rameshwar)
PW-5	Head Constable Sushil
PW-6	Ravinder Kumar (son of Jagdish Chand)
PW-7	ESI Mahabir
PW-8	Constable Anil Kumar
PW-9	Inspector Ram Niwas
PW-10	Sub Inspector Rajesh
PW-11	ASI Rajender Singh

7 The statements of the accused were recorded under Section 313 of the Code of Criminal Procedure, wherein all incriminating circumstances and evidence appearing on record were put to them. The accused denied the same and claimed themselves to be innocent. The accused did not lead any evidence in their defence.

8 After hearing the case and considering the arguments advanced by both sides, the testimonies of witnesses and the evidence placed on record, learned Sessions Judge, Panipat, vide judgment dated 10.03.2025, held the accused guilty of offences punishable under Sections 379-A (2) read with Section 34 of IPC and vide order on quantum of sentence dated 12.03.2025, accordingly sentenced the accused as follows: -

Offence under Section	Sentence
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379-A (2) read with Section 34 of IPC	To undergo rigorous imprisonment for a period of five years each and to pay a fine of ₹25,000/- each and in default of payment of fine to undergo rigorous imprisonment for one year .
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9 Aggrieved of the aforesaid judgment of conviction and order on quantum of sentence, the present appeal has been filed.

ARGUMENTS BY THE COUNSEL FOR THE APPELLANTS:

10 Learned counsel for the appellants submits that the case of the prosecution hinges upon the testimony of four witnesses, namely Reena (PW-2), Satyawan (PW-3), Santro Devi (PW-4) and Ravinder Kumar (PW.6). The present case was registered on the statement of Satyawan, who appeared before the trial Court and deposed as PW3. As per his own testimony, he was not present at the time when the occurrence in question took place. Hence, his testimony is inadmissible in evidence, as it is only hearsay. Counsel contends that the case of the prosecution to the effect that the appellants-accused first came to Reena’s shop and enquired about the price of ghee but came back. In her deposition before the Trial Court, Reena did not identify the appellants to be the same persons who had come to her shop on the day of the incident. She was subsequently declared hostile by the prosecution. However, nothing incriminating could thereafter be elucidated against the appellants during her cross-examination by the prosecution. Hence, PW.2 Reena Devi has not supported the case. The prosecution was thus left with the testimony of PW-6 Ravinder Kumar and PW-4 Santro Devi.

11 He contends that in so far as PW.6 Ravinder Kumar is concerned, there were no special circumstances in which the said prosecution witness would be able to recall with perfection, the identity of the persons who stopped

to buy the cold drinks but did not buy them for want of change. He further submits that the offence having not been committed with him, there were no special circumstances in which the witness would recall with perfection as to who had come to his shop, given the large number of people who could have visited the shop in question.

12 It is submitted that at the time of registration of the FIR and recording of statements, none of the witnesses had given any details of any physical features or distinct identification marks. The incident took place on 06.09.2022 and was followed by untrace report dated 10.11.2022. Even till that date, nothing descriptive about the accused had been mentioned. It is only after their arrest on 03.12.2022, that they identified them after nearly 03 months of the incident. Hence, in the event the witness did not recall any distinct identification mark or any specific description to facilitate the identification of the accused persons, there is no occasion that he would recall the identification conducted after arrest of the accused persons.

13 He further contends that, as far as the prosecution witness PW-4 Santro Devi, is concerned, she is an 83-year-old woman. It is alleged that her earrings were snatched; however, the said prosecution witness has not given any specific details as regards the physical features such as height, the colour, the facial features or any distinct mark of the accused persons. The lack of details immediately in the aftermath of the incident, when the prosecution witnesses could recall with closer perfection the identity of the assailants and at the time their statements were recorded under Section 161 Cr.P.C., renders their deposition about identification after such delay, in Court suspect. It is submitted that the said witnesses admitted during their cross-examination that

they had identified the accused persons only after they were produced in the Court and no test identification parade of any nature whatsoever was carried out.

14 It is submitted that the requirement of test identification parade in such circumstances, when no specific identification mark has been mentioned by the witnesses, as would have conclusively determined the identity since the accused persons did not belong to the same village and were not previously known, attains significance. The said aspect becomes all the more important since the police failed to crack the case for a period of nearly 3 months and failed to explain under what circumstances and in what manner, the investigating agency came to know about the petitioners having committed the offence.

15 Another argument raised by the counsel for the appellants is that the gold earrings had not been recovered in the present case and no explanation has been put forth as to the identity of the person to whom the said earrings had been sold by the appellants. The point of sale could have also been a crucial evidence to establish the participation of the appellants in the commission of the offence; however, the absence of recovery of the case property and any explanation as to the manner in which it was disposed of or tracing the person to whom it was sold renders the prosecution version doubtful and lacking in credibility.

16 He further argues that even though the case of the prosecution is specifically to the effect that the earrings worn by Santro Devi had been snatched, however, no MLR or document was placed on record to corroborate the event of snatching. He contends that if the earrings had been snatched,

while worn on the earlobes, there would have been definite cuts or bleeding. The absence of the medical record renders the prosecution version bereft of merit, and it should not be accepted in its entirety without corroboration.

17 Learned counsel for the appellants relies on the judgment of the Hon'ble Supreme Court in the matter of **P. Sasikumar v. State of T.N., reported as (2024) 8 SCC 600**, to argue that where the accused is a stranger to the witness, non-holding of the Test Identification Parade would be fatal to the case of the prosecution. The relevant part of the judgment is extracted hereunder: -

“26. The relevance of TIP has been explained by this Court in a number of cases (see : Ravi Kapur v. State of Rajasthan (2012) 9 SCC 284, para 35), Malkhansingh v. State of M.P. (2003) 5 SCC 746, para 16).

*27. In the facts of the present case, the identification of the accused before the court ought to have been corroborated by the previous TIP which has not been done. The emphasis of TIP in a given case is of vital importance as has been shown by this Court in recent two cases of **Jayan v. State of Kerala (2021) 20 SCC 38** and **Amrik Singh v. State of Punjab (2022) 9 SCC 402**.*

*28. In **Jayan** (supra), this Court disbelieved the dock identification of the accused therein by a witness and while doing so, this Court discussed the aspect of TIP in the following words : (Jayan case, SCC p. 44, para 18)*

“18. It is well settled that TI parade is a part of investigation and it is not a substantive evidence. The question of holding TI parade arises when the accused is not known to the witness earlier. The identification by a witness of the accused in the Court who has for the first time seen the

accused in the incident of offence is a weak piece of evidence especially when there is a large time-gap between the date of the incident and the date of recording of his evidence. In such a case, TI parade may make the identification of the accused by the witness before the Court trustworthy.”

(Emphasis supplied)

ARGUMENTS BY THE COUNSEL FOR THE STATE:

18 In response thereto, on the other hand, learned State Counsel contends that two of the prosecution witnesses had identified the appellants in the Court; hence, there was no occasion or reason for conducting a Test Identification Parade (TIP). The identity of the appellants thus stood established. He contends that as per the investigation, the appellants had sold the earrings and the money received from sale was recovered by the police. He further contends that the motorcycle used in the incident, having registration No. PB-26H-7226 was financed by the Shriram Finance Company. The finance company repossessed the said motorcycle on account of default in repayment of the instalments. The police had seized the vehicle used in the incident, after preparation of a seizure memo from the finance company. It is contended that the Investigating Agency had received secret information in relation to the appellants being involved in the above incident of snatching and on the receipt of such information, the appellants were arrested. He contends that the prosecution was able to successfully prove its case with respect to the participation of the appellants in the commission of instant offence and even though the gold earrings could not be recovered as the same had been sold, the sale proceeds thereof were recovered.

19 On a specific query, it has been conceded that no Test Identification Parade was conducted in the present case as per the prescribed procedure and that the identification of the accused persons was conducted for the first time in Court only.

20 He also does not dispute that the Investigating Agency is not aware as to when and where the gold earrings were sold and that no person was joined during the investigation to determine as to who the buyers of the gold earrings were.

21 It is also not disputed that an untraced report was initiated and there was no information with respect to any accused persons till the submission of the untraced report. It was only later in December 2022, i.e. after a period of three months, that they received a secret information, whereupon the appellants were arrested.

22 State Counsel also does not dispute the fact that in the statements of the witnesses recorded under Section 161 CrPC or in their examination-in-chief, especially PW-2, PW-3, PW-4 and PW-6 i.e. Reena, Satyawar, Santro and Ravinder Kumar, there is no description as to the physical features, the age, the height, the clothes, dialect, facial expressions or any other special mark of identification of the accused persons. However, he prayed for dismissal of the present appeal on the ground that dock identification was sufficient in itself and that the Test Identification Parade was not essential in the present case.

23 Neither any other argument has been raised nor any other judgment has been cited by the counsel for the respective parties.

24 I have heard learned counsel for the respective parties and have

gone through the judgments and documents appended along with the present appeal.

CONSIDERATION:

25 It is now evident from the undisputed facts that in so far as PW.3 Satyawar is concerned, he was undisputedly away from village and not present at the time of incident. His deposition is nothing more than a hearsay and cannot be perceived as corroborating the prosecution case. He is nothing more than an informant, hence, his deposition can have no further significance. In his cross-examination, he specifically admits as under: -

“I do not know as to who were the assailants and who had snatched the ear rings from the ears of my mother.”

26 The said witness has also failed to give any details of the vehicle used in the incident.

27 In so far as PW.2 Reena is concerned, she has not supported the case of the prosecution and has not identified the appellants to be the persons who came to her shop on the date of incident. Hence, her deposition does not advance the case of the prosecution.

28 Adverting to deposition of PW.4 Santro Devi, she was examined on 09.02.2024 i.e. after nearly 1½ years of the incident. She is nearly 83 years old, hence, her cognitive faculties could not be said to be absolutely sharp. In her chief, she said that three boys came to the shop, one entered the shop and snatched the ear-ring, other stayed outside the shop and third was on his motor-cycle in a start position. Her cross-examination reads thus: -

“Police had shown me accused persons in the Police Station.”

29 Hence, no identification was ever conducted.

30 Similarly, PW.6 Ravinder Kumar also admitted as under, during
his cross: -

“The number plate of the motorcycle was broken. I do not remember the make and model of the said motorcycle.

xxx xxx xxx

I was not present at the time of commission of the said offence. Volunteered, I heard the shouting voice and had seen the accused person fleeing away.

xxx xxx xxx

The distance between my shop and shop of Santro is one acre.”

31 None of these witnesses give any description of any of the accused person or any special mark of identification. They also do not give any detail about make, colour or model of any motorcycle or say anything about the number plate of the motorcycle.

32 The investigating officer appeared as PW.11 and as per him, the investigation commences after the arrest of the appellants. The only incriminating evidence is recovery of motorcycle, currency notes (Rs.2,000/- each) and demarcation of place of occurrence. He specifically admits as under:
-

“Accused persons were arrested on the information received from secret informer.

xxx xxx xxx

Arresting and disclosure of accused persons were recorded at the place of arrest itself.

xxx xxx xxx

No test identification parade (TIP) was conducted.

xxx xxx xxx

Accused had not disclosed the area at which they sold the snatched earrings. Volunteered, accused had sold the earrings to an unknown person.

xxx xxx xxx

33 All the aforesaid witnesses fail to establish the identity of the appellants to the crime. It is not in dispute that the appellants were not previously known to the witnesses and there are no distinct or exclusive marks of identification or physical features. None of the witnesses ever gave a brief semblance of the accused, immediately after the incident. None of the witnesses also say as to whether any ear-injury was sustained by PW.4 Santro Devi or not and she was never Medico-legally examined or treated for any injury which would have been sustained on snatching of ear-rings worn in ears.

34 It is thus a case where accused is first arrested and then connected to the crime.

35 The key issue which thus arises for consideration before this Court is as to whether the non-conduct of the Test Identification Parade would be fatal to the case of the prosecution or not and whether dock identification in the absence thereof would be enough to prove the prosecution's case, in such a case.

36 It would be apposite to refer to the judgment of the Hon'ble Supreme Court in the matter of **Jayan v. State of Kerala, reported as (2021) 20 SCC 38**, in this regard. The appellants therein had been convicted for offences punishable under Section 55(a) of the Kerala Abkari Act. The case of the prosecution therein was that the accused had transported 6090 litres of

spirit in 174 plastic cans. After considering the evidence on record and noting the submissions made by the counsel for the respective parties, the Hon'ble Supreme Court acquitted the appellants on the ground that the evidence of PW-12 therein had been recorded 11 years after the incident and that the testimony of the independent witness PW-13 was unreliable since it was highly improbable for the said witness to identify the accused after a lapse of 11 years.

37 It would be apposite to refer to the judgment of the Supreme Court in the matter of **Wahid Vs. State Government of NCT of Delhi in Criminal Appeal No.201 of 2020, reported as 2025 INSC 145.** The relevant extract reads thus: -

“14. In cases where the FIR is lodged against unknown persons, and the persons made accused are not known to the witnesses, material collected during investigation plays an important role to determine whether there is a credible case against the accused. In such type of cases, the courts have to meticulously examine the evidence regarding (a) how the investigating agency derived clue about the involvement of the accused in the crime; (b) the manner in which the accused was arrested; and (c) the manner in which the accused was identified. Apart from above, discovery/recovery of any looted article on the disclosure made by, or at the instance of, the accused, or from his possession, assumes importance to lend credence to the prosecution case.

Manner in which accused persons were arrested and recovery effected appears doubtful.

15. In the instant case, neither the accused persons were named nor they were known either to the complainant or the witnesses from before. Prosecution case is rather too simple, that is, two

days later, on 5.12.2011, PW-1 himself noticed the accused persons standing near DTC Bus Depot at Nand Nagri; immediately thereafter he informed the police about their presence; the police went to the spot, arrested them, and, upon search of those persons, recovered from them weapons including screw driver, as described in the FIR, used by the robbers to threaten the passengers.

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18. From the statements extracted above, what is clear is that, according to the prosecution, the police got information about the presence of accused persons at the bus depot from PW-1. However, where that information was given by PW-1 to the police, there is discrepancy in the testimony of witnesses who were part of the team that effected arrest of the accused persons. According to PW-10, information was given when the police party, which had already left the police station, met PW-1 at the red light of Nand Nagri whereas according to PW-13 the police team left the police station with the complainant (i.e., PW-1) and at bus depot, PW-1 pointed towards the accused persons. PW-1's statement- in -chief is also on similar terms as that of PW-13 inasmuch as he states that when he spotted the accused persons near the bus depot, enroute to the police station, he went to the police station and informed the police about their presence there, whereafter the police team accompanied him to apprehend the accused persons. But if the version of PW-1 is correct, there ought to have been a record of receipt of such information at the police station. Because, in ordinary course, before leaving the police station, based on any information, the police officer enters the information in the relevant diary and then proceeds. Here there is no disclosure in the testimony of any of the police witnesses that before leaving the police station, the information provided by PW-1 regarding spotting the accused was entered in any of the diaries maintained at the police station. Besides that, PW-1, during cross-examination, made a self-contradictory

statement which renders the prosecution case regarding arrest and recovery from the accused persons doubtful. The relevant portion of PW-1's statement during cross-examination is extracted below:

"I.O. of the case met him at the police station when the PCR took him and the accused persons to the police station. On the next day, he again met me at the bus stop of Nand Nagri where he remained with the I.O. for 10 to 15 minutes, thereafter, the I.O. did not meet me. I saw the accused person present in the Court on the date of the occurrence and thereafter, I have seen them in the court on the date of this matter.

(emphasis supplied)

The underscored portion of PW-1's statement would suggest that PW-1 had not seen the accused persons on 5.12.2011 (i.e. the date of arrest) because the date of the occurrence was 3.12.2011.

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Dock Identification by few eye witnesses not reliable

22. Normally, where accused persons are unknown and are not named in the FIR, if the prosecution case as regards the manner in which they were arrested is disbelieved, the Court should proceed cautiously with other evidence and objectively determine whether all other circumstances were proved beyond reasonable doubt. In this light we shall now consider the evidence relating to identification of the accused persons. Admittedly, this is a case of night incident. Though seven eye witnesses of the incident were examined by the prosecution, only three (i.e., PW-1, PW-5 and PW-6) identified the accused in court. Out of the remaining four, three including the driver categorically stated that the accused persons are not those who robbed the passengers that night. The fourth one stated that it was too dark, therefore, he is unable to recognise. PW-1, at

whose instance the arrest of the accused persons was allegedly effected, during cross-examination, stated that he saw the accused persons first on the date of the incident and second on the date fixed in the case. Admittedly, no test identification parade was conducted and the statement of PW-1 was recorded in court on 28.05.2013, that is, after 16 months of the incident. In such circumstances, not much reliance can be placed on his statement.

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24. In such circumstances, and in absence of corroborative evidence of recovery of looted articles at the instance of or from the accused persons, in our view, this was a fit case where the appellants should have been given the benefit of doubt.

25. In view of the analysis and conclusions above, these appeals are allowed. The impugned judgment and order of the High Court is set aside. The appellants are acquitted of the charge(s) for which they were tried and convicted. They are reported to be on bail. They need not surrender. Their bail bonds stand discharged.”

38 Reliance is also placed on the judgment of the Supreme Court in **Criminal Appeal No.1473 of 2024 titled as P.Sasikumar Vs. The State represented by the Inspector of Police, decided on 08.07.2024.** Relevant extract reads thus: -

“10. The admitted position in this case is that the test identification parade (hereinafter referred to as 'TIP') was not conducted. All the prosecution witnesses who identified the accused in the Court such as PW-1 and PW-5 were not known to the present appellant i.e., accused no.2. They had not seen the present appellant prior to the said incident. He was a stranger to

both of them. More importantly, both of them have seen the appellant/accused No. 2 on the date of the crime while he was wearing a "green colour monkey cap"!

11. Now, as one is familiar a monkey cap covers the entire face, chin and cheek of a person, leaving only his eyes and nose and part of forehead exposed. These two witnesses (PW-1 and PW-5), had seen the appellant wearing a monkey cap and that too from a distance. Under these circumstances, TIP had become necessary particularly when both the accused, who are alleged to have committed this murder were arrested within two days. The incident is of about 7:00 pm on 13.11.2014 and both of them were arrested at around 10 pm on 15.11.2014. The case of the prosecution is that while they were being arrested, they received injuries as they tried to escape and consequently, they were taken to the Hospital for treatment. It was in the hospital, that PW-1 i.e. father of the deceased and the complainant and PW-5 were taken by the Investigating Officer who are said to have identified the two accused as the one who had committed the crime. No explanation whatsoever has been given by the prosecution as to why TIP was not conducted in this case before a Magistrate as it ought to have been done. In fact, the High Court has recorded this flaw in the investigation at more than one place in its judgment. It has again observed that the Investigating Officer (PW-24) was before the Court and in spite of being questioned as to what the reasons were for not holding TIP in this case, no satisfactory reply was given by him.

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13. After considering the peculiar facts of the present case, we are of the opinion that not conducting a TIP in this case was a fatal flaw in the police investigation and in the absence of TIP in the present case the dock identification of the present appellant will always remain doubtful. Doubt always belongs to the

accused. The prosecution has not been able to prove the identity of the present appellant i.e. A-2 beyond a reasonable doubt. The relevance of a TIP, is well-settled. It depends on the fact of a case. In a given case, TIP may not be necessary. The non conduct of a TIP may not prejudice the case of the prosecution or affect the identification of the accused. It would all depend upon the facts of the case. It is possible that the evidence of prosecution witness who has identified the accused in a court is of a sterling nature, as held by this Court in the case of Rajesh v. State of Haryana (2021) 1 SCC 118 and therefore TIP may not be necessary. It is the task of the investigation team to see the relevance of a TIP in a given case. Not conducting TIP in a given case may prove fatal for the prosecution as we are afraid it will be in the present case.”

39 Test identification parade attains significance not only for the reason that the accused were not known to the witnesses who had only briefly seen them once and had no special features or characteristics to remember after 1½ years of the incident but also for the reason that no other evidence inspires confidence of the Court. The recovery from the appellants is Rs.2,000/- each allegedly as sale proceeds of earrings. The police has failed to recover any case property. So much so, it does not even say as to for what value the earrings were sold or as to when were the same sold. Thus recovery of currency notes does not link the appellants to the crime.

40 The second recovery is that of a motorcycle having registration No.PB-26-H-7226. Even though, the police set up a case that the motorcycle used had a broken number plate and only ‘PB’ was written on it, however, none of the witnesses say anything similar in their testimony. They gave no description of the motorcycle, its colour, make, model or registration number

plate. How the police thus came to know of the number of the motorcycle or its model becomes doubtful.

41 Hence, considering it from the factual as well as legal perspectives, it cannot be held to have been proved by the prosecution that the appellants committed the offence in question. Occurrence of a crime does not mean that somebody has to be punished. There ought to be evidence to prove beyond doubt that the accused facing trial were involved in commission of offence. The burden, prosecution has failed to satisfactorily discharge in the present case.

42 In light of the above observations, the findings of the learned Sessions Judge, Panipat, regarding the guilt of the appellants, are unsustainable and are liable to be set aside.

43 The present appeal is accordingly **allowed**. The impugned judgment dated 10.03.2025 and the order of sentence dated 12.03.2025 by which the appellants had been convicted by the Sessions Judge, Panipat, under Section 379-A (2) read with Section 34 of the IPC, are set aside and the appellants are acquitted of the said offences. The bail bonds of the appellants stand discharged, if not involved in any other case.

44 Since the main case itself stands decided, CRM-32017-2025 seeking suspension of sentence of appellant No.2-Akashy also stands disposed of accordingly.

December 17, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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