



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRA-S-283-SB-2004

Date of Reserve: 29.01.2026

Date of Decision: 23.02.2026

Uploaded on: 27.02.2026

(i)

CRA-S-283-SB-2004

Sukhvinder Singh

...Appellant

Vs.

State of Haryana

...Respondent

(ii)

CRA-D-395-DBA-2004

State of Haryana

...Appellant

Vs.

Jajji and others

...Respondents

**Coram :** Hon'ble Mr. Justice N.S. Shekhawat  
Hon'ble Mr. Justice H.S. Grewal

**Present:** Mr. Rajiv Sidhu, Sr.DAG, Haryana for the appellant  
in CRA-D-395-DBA-2004 and for the respondent  
in CRA-S-283-SB-2004.

Mr. Vicky Sharma, Advocate for  
Mr. K.S. Dhaliwal, Advocate  
for the appellant in CRA-S-283-SB-2004.

Ms. Gurneet Sagoo, Advocate as Amicus Curiae  
for the respondents in CRA-D-395-DBA-2004.

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**N.S. Shekhawat J.**

1. This judgement shall dispose of two appeals i.e. **CRA-S-283-SB-2004** titled as “*Sukhvinder Singh Vs. State of Haryana*” and **CRA-D-395-DBA-2004** titled as “*State of Haryana Vs. Jajji and Others*”, as both the appeals have been filed against the common impugned judgment of conviction dated



03.12.2003 and order of sentence dated 04.12.2003, passed by the Special Court, Kaithal.

2. Vide the impugned judgment of conviction dated 03.12.2003 and order of sentence dated 04.12.2003, passed by the Special Court, Kaithal, the Trial Court had convicted the appellant Sukhvinder Singh for commission of offence punishable under Section 15 of the N.D.P.S Act and was sentenced to undergo R.I for a period of ten years and to pay a sum of Rs.1,00,000/- as fine, in default of payment of fine, he would further undergo rigorous imprisonment for a period of two years, whereas, the respondents in Criminal Appeal No. CRA-D-395-DBA-2004, were ordered to be acquitted by the Trial Court. Sukhwinder Singh has challenged his conviction, whereby, the State of Haryana has challenged the acquittal of respondents in CRA-D-395-DBA-2004.

3. The FIR (Ex.PF/1) was ordered to be registered on the basis of the complaint received from Banwari Lal, SI/SHO and the same has been reproduced below:-

*“To M.H.C, Police Station, Siwan, Sir, It is submitted that today I SI/SHO alongwith ASI Laxmi Chand HC Karambir No.40, HC Kulbir No. 497, Hari Singh No.384, Constable Raspal No.844, C. Shamsher Singh No.613 was present in a Government Jeep No. HR-08B-2018 driven by Karam Singh, at T point Kangthali road, Bhuna in connection with vehicle and excise checking and then by chance, ASI Manohar Lal Police Station Cheeka met me and when I was talking with him, in the meantime a truck no. HYO 5566 LP Model, came from the side of Kangthali, to which, I gave signal to stop. The driver of the vehicle applied the brakes and two persons Jajji son of Puran Ram Bajigar, resident Chanchak and Pappu alias Karnail Ram, son of*



*Naina Ram Bajigar resident of Chanchak, who were sitting in the cabin of the truck and two more persons namely Satnam alias Satta son of Pritam Singh, Jat Singh, resident of Daban Khedri and Atma Ram son of Teja Ram Bajigar, resident of Nagal, now resident of Salimpur Baiga Basti, who were sitting on the tool and were earlier known to ASI Manohar Lal and HC- Kulbir Singh No. 497 alighted from the truck quickly and ran away in different direction. Efforts were made to chase them but they all could not be apprehended and fled away. The driver of the truck had not alighted and his address was enquired. He told his name as Sukhwinder Singh @ Babby son of Dhian singh, Labana Singh resident of Bhuna plot no.1. The truck was searched on the basis of suspicion and some narcotic substance was suspected in the bag covered by tarpal in the body of the truck. Written notice was served upon Sukhwinder Singh, driver and he was asked whether he wanted to get his vehicle searched from me or by a Gazetted Officer or by any Magistrate, on which Sukhwinder Singh agreed to get the vehicle searched from some Gazetted Officer. Consent memo under section 50 of the NDPS Act was prepared which was signed by Sukhwinder singh and the witnesses. Then I requested Sh.Om Parkash HPS, Deputy Superintendent of Police Guhla, who reached the spot in a government vehicle No.HR08-B-2904 name TATA SUMO along with his staff. Driver Sukhwinder Singh son of Dhain Singh resident of Bhuna was produced before Deputy Superintendent of Police, Guhla, who inquired from him and then ordered me, to check the bags lying under the tarpal in the body of the vehicle. I checked the bags after opening them and poppy husk was recovered from these bags and total 19 bags were recovered from these bags. Total 19 bags were recorded and 250 grams each was separated as sample and sample*



*parcels were prepared. Thereafter, weights and scale were arranged and the bags of poppy husk were weighed and from each bag 34 K.G. 750 grams of poppy husk was recovered. It was put in the same bags and I put my seal 'BL' on each of the bags and 19 sample parcels and bags containing poppy husk. The same were taken into police possession alongwith truck No. HYO-5566 vide recovery memo duly sealed with my seals as well as of Deputy Superintendent of Police, Guhla, who verified the memo sample parcels and bags. Sample seal "BL" was handed over to ASI Manohar Lal after taking its sample. Seal "OP" after use and taking sample was kept by Deputy Superintendent of Police, Guhla himself. Accused Sukhwinder singh, Jajji, Pappu @ Karnail Ram, Satnam @ Satta and Atma Ram have committed an offence under section 15-61-85 of NDPS Act, by smuggling 665 Kgs of poppy husk in 19 bags through truck. A writing is being sent to the police station through Ct., Shamsher Singh no.613 for registration of case and after registration of case its number may be intimated and special report through special constable be sent to higher authorities. I the SI/SHO am busy in the investigation at the spot. SD/-Banwari Lal, S.I. Incharge Police Station Siwan at 4-11-2000 at 2.30 PM. today at "T" point road Bhuna near Kangthali,*

*"Today at police station: receipt of abovenoted writing case has been registered. Copy of FIR alongwith original writing is being sent to SI/SHO through constable for further investigation. Carbon copies of FIR as special report, through special constable Dharam Pal No. 365 are being sent to Area Magistrate Guhla, Deputy Superintendent of Police, Guhla and Superintendent of Police, Kaithal".*



4. After the registration of the FIR, a rough site plan Ex.PG with correct marginal notes was prepared with regard to the place of recovery. The statements of the witnesses were also recorded under Section 161 Cr.P.C and Sukhwinder Singh was formally arrested by the police. A report under Section 57 of the N.D.P.S Act was also prepared and was forwarded to senior police officers. The sample parcels were also despatched to F.S.L, Madhuban for analysis and vide the report Ex.PJ, the chemical examiner found that the samples contained poppy straw. Other accused were also arrested, as per law. After concluding the investigation in the present case, the final report under Section 173 Cr.P.C was prepared and presented before the competent Court.

5. After perusal of the final report, the Trial Court held that a prima facie case under Section 15 of the N.D.P.S Act was made out against all the accused, in the present case and they were charge-sheeted accordingly. However, the accused pleaded not guilty and claimed to be tried by the Trial Court.

6. During the course of the trial, the prosecution has relied upon 12 witnesses to prove the charge against the appellant/accused.

7. The prosecution examined PW-1 Parmod Kumar, S.I, who had arrested Jajji, accused in the present case as he was already in custody in some other case. The testimony of PW-2 HC Jai Bhagwan is formal in nature. The prosecution further examined PW-3 A.S.I Des Raj, who stated that on 23.08.2002, he had formally arrested Satnam @ Satta, accused in the present case. PW-4 Kitab Singh S.I., had prepared the report under Section 173 Cr.P.C. The statement of PW-5 Dharampal, Constable was formal in nature and he had simply tendered his affidavit Ex.PB.



8. Om Parkash, D.S.P, Gannour was examined as PW-6, who stated that on 04.11.2000, after getting the V.T message, he reached the place of recovery. He had verified the facts from the accused as well as the witnesses. The truck contained some gunny bags and he had directed Banwari Lal, S.H.O to conduct a search of the truck and the bags. On checking, 19 bags weighing 35 Kg each were recovered. 250 grams of poppy husk was separated for the purpose of samples and was made into separate parcels. Each parcel was sealed with the seal of "OP" of him and "BS" of S.H.O. After sealing, the seal of SHO was handed over to ASI Manohar Lal, whereas the seal of "OP" was retained by him. The report under Section 57 of the N.D.P.S Act Ex.PD was also received by him and he forwarded the same to S.P., Kaithal. He had seen the case property and the bags were EX.P-1 to Ex.P-19. Similarly, the prosecution examined Manohar Lal, ASI as PW-7, as per him on 04.11.2000, he was posted in Police Station, Cheeka. He was going from Kaithal to Cheeka and on the way, Banwari Lal, SHO met him and they were talking. In the meantime, a truck bearing No.HYQ-5566 came from the side of Kangthali and the S.H.O gave a signal to stop the truck. From the cabin of the truck, Karnail Singh @ Pappu and Jajji alighted, whereas, Satnam Singh @ Satta and Atma Ram alighted from the tool box of the truck and all the four accused escaped in different directions. Only, Sukhvinder Singh was apprehended at the spot, who was driving the truck. Sukhvinder Singh was served a notice under Section 50 of the N.D.P.S Act and he opted to have the search of the truck conducted in the presence of a Gazetted Officer. Consequently, Om Parkash, DSP was also called and joined in the investigation. From the truck, 19 gunny bags of 35 Kg each of poppy husk were recovered from the truck. The case property was



properly sealed and was searched in the presence of Om Parkash, D.S.P. Thereafter, a ruqa was sent to the police for registration of the FIR. He had identified his signatures and those of other police officials on the memos. However, in his cross-examination, he admitted that in the presence of D.S.P, no attempt was made to associate the independent witnesses, but prior to that, attempts were made, however, the witnesses did not join the investigation. He further admitted that he had not joined the accused Karnail @ Pappu, Jajji, Satnam and Atma Ram in any investigation prior to this case. However, he knew their names as he remained posted in that area for quite a long time. He told the I.O that he knew the accused earlier as he had remained posted in that area for a very long time. Many people deal in poppy husk and raids were conducted by him and during the raids, the accused used to meet him. He could not tell the date of raid conducted prior to this case. The prosecution examined Rajinder Singh, S.I as PW-8, who had prepared the supplementary challan against Jajji and Karnail Singh, accused, whereas, PW-9 Roop Singh, ASI had prepared the challan against Satnam @ Satta, accused. The testimonies of PW-10 HC Ramesh Chand and PW-11 S.I Ashok Kumar were formal in nature. The prosecution further examined PW-12 Banwari Lal, S.I, C.I.A Staff, Kaithal as PW-12, who was acting as S.H.O of the area on that day. He had also gone to the spot and verified the recoveries made by the police. He reiterated his version as mentioned in the F.I.R.

9. After the prosecution had closed its evidence, the entire prosecution evidence was put to the appellants in the shape of their statements under Section 313 Cr.P.C. All the accused pleaded that they had been falsely involved in the present case. Sukhvinder Singh, appellant had taken a stand that



the gunny bags of poppy husk were recovered from Village Alipur of District Patiala from the fields of one Ranjha Ram and the truck was brought from Village Arnoli and he was falsely involved.

10. In defence, the accused examined Jaswant Singh as DW-1, who stated that about two and a half years ago, Manohar Lal, ASI along with other police officials came to their house and took their tractor trolley. DW-2, Nirapjit Singh, D.S.P, Gurgaon appeared in the witness box and stated that he had conducted the enquiry and recorded the statements of various witnesses. During enquiry, it was found that Satnam Singh, accused used to finance a smuggler of poppy husk, but it could not be ascertained as to whether he was present at the place of recovery or not. The accused further examined DW-3 H.C Ram Kumar, who placed on record the copy of the enquiry report as Ex.DA.

**CRA-S-283-SB-2004**

11. Learned counsel for the appellant namely Sukhvinder Singh vehemently argued that the police had not complied with the mandatory provisions of Section 50 of the N.D.P.S Act. Even, in the absence of substantial compliance of Section 50 of the NDPS Act, Sukhvinder Singh was liable to be acquitted. Moreover, the prosecution had ample opportunity to bring the independent witnesses from the locality, but no such independent witness was brought and the case of the prosecution was based mainly on the testimonies of official witnesses. He further contended that even the conscious possession of the contraband could not be proved and the report under Section 57 of the N.D.P.S Act was not sent to the higher police officers. Apart from that, there was non-compliance of statutory provisions by the police.



12. On the other hand, learned State counsel has vehemently argued that respondents in CRA-D-395-DBA-2004, namely Jajji, Karnail Singh @ Pappu, Satnam Singh @ Satta and Atma Ram were also liable to be convicted along with Sukhvinder Singh. Even, the police was not under a legal obligation to comply with the provisions of Section 50 of the N.D.P.S Act as the recovery was made from the truck and not from the personal search of the accused. From the search of the truck, 19 gunny bags of poppy husk weighing 35 Kg of poppy husk in each bag, were recovered. Still further, the witnesses of the prosecution were searchingly cross-examined and nothing material could be elicited from their statements. Even, the Trial Court wrongly disbelieved the testimony of PW-7 Manohar Lal, A.S.I, who had identified Jajji, Karnail Singh @ Pappu, Satnam Singh @ Satta and Atma Ram respondents in Criminal appeal No.CRA-D-395-DBA-2004. Thus, they were also liable to be convicted by the Trial Court along with Sukhvinder Singh.

13. We have heard learned counsel for the parties and perused the record carefully; with their able assistance.

14. The main argument raised by learned counsel for the appellant in the present appeal is that the police had not complied with Section 50 of the N.D.P.S Act as the appellant/accused was not disclosed that he had a right to be searched before the Gazetted Officer or the Magistrate. However, we find no such substance in the argument raised by the learned counsel for the appellant. The prosecution had examined PW-12 Banwari Lal, S.I, who had categorically stated that after Sukhvinder Singh, appellant was apprehended by the police, a notice Ex.PE was served on the appellant. He was given an option to get his search conducted in the presence of a Gazetted Officer or a Magistrate and vide



the memo Ex.PE/1, the appellant opted to get his search conducted in the presence of a Gazetted Officer. Consequently, a V.T message was sent to DSP, Om Parkash, who was a Gazetted Officer to reach at the spot. D.S.P, Om Parkash was examined as PW-6 in the present case. The statement of PW-6 OM Parkash D.S.P was also recorded during the trial, who categorically stated that after verification of the facts from the accused as well as the witnesses, he directed Banwari Lal, SHO to conduct search of the truck and the bags and on checking, 19 gunny bags each weighing 35 Kg of poppy husk were found and were taken into possession by the police. Even, out of each gunny bag, 250 grams of poppy husk was separated for the purpose of sample and was sealed into separate parcels. From the statement made by PW-6, Om Parkash D.S.P, it was apparent that the mandatory provisions of Section 50 were complied by the police.

15. Apart from that, it is also apparent that in the present case, the search was made from the gunny bags, which were loaded in the truck. Consequently, the provisions of Section-50 of the N.D.P.S Act did not apply to the facts of the present case. The law is well settled that the provisions of Section 50 of N.D.P.S Act would come into play only in a case of a search of a person, as distinguished from the search of any premises etc. Still further, the Hon'ble Supreme Court has held in the matter of **Ajmer Singh Vs. State of Haryana, 2010(3) SCC 746** decided on 15.02.2010 that the question of compliance or non-compliance of Section 50 of N.D.P.S Act is relevant only in case of personal search of a person and the said Section does not extend to search of a vehicle or a container or a bag and held as follows:-

*12.The object, purpose and scope of Section 50 of the*



Act was the subject matter of discussion in number of decisions of this Court. The Constitution Bench of five Judges of this Court in the case of State of Punjab v. Baldev Singh, [1999(3) RCR (Criminal) 533 : (1999) 6 SCC 172], after exhaustive consideration of the decision of this court in the case of Ali Mustaffa Abdul Rahman Moosa v. State of Kerala, [1994(3) RCR (Criminal) 595 : (1994) 6 SCC 569] and Pooran Mal v. Director of Inspection (Investigating), New Delhi & Ors., [(1974) 1 SCC 345], have concluded in para 57 :

I) When search and seizure is to be conducted under the provision of the Act, it is imperative for him to inform the person concerned of his right of being taken to the nearest gazetted officer or the nearest Magistrate for making search.

II) Failure to inform the accused of such right would cause prejudice to an accused.

III) That a search made by an empowered officer, on prior information, without informing the accused of such a right may not vitiate trial, but would render the recovery of the illicit article suspect and vitiate the conviction and sentence of an accused, where the conviction is solely based on the possession of the illicit article, recovered from his person, during such search.

IV) investigation agency must follow the procedure as envisaged by the statute scrupulously and failure to do so would lead to unfair trial contrary to the concept of justice.

V) That the question as to whether the safeguards provided in Section 50 of the Act have been duly observed would have to be determined by the court on the basis of the evidence at the trial and without giving an opportunity to the prosecution to establish the compliance of Section 50 of the Act would not be permissible as it would cut short a criminal trial.

VI) That the non compliance of the procedure i.e. informing the accused of the right under sub-Section (1) of Section 50 may render the recovery of contraband suspect and conviction and



*sentence of an accused bad and unsustainable in law.*

*VII) The illicit article seized from the person of an accused during search conducted without complying the procedure under Section 50, cannot be relied upon as evidence for proving the unlawful possession of the contraband.*

*13. The learned counsel for the appellant contended that the provision of Section 50 of the Act would also apply, while searching the bag, brief case etc., carried by the person and its non-compliance would be fatal to the proceedings initiated under the Act. We find no merit in the contention of the learned counsel. It requires to be noticed that the question of compliance or non-compliance of Section 50 of the Narcotic Drugs and Psychotropic Substances Act is relevant only where search of a person is involved and the said Section is not applicable nor attracted where no search of a person is involved. Search and recovery from a bag, brief case, container, etc., does not come within the ambit of Section 50 of the Narcotic Drugs and Psychotropic Substances Act, because firstly, Section 50 expressly speaks of search of person only. Secondly, the Section speaks of taking of the person to be searched by the Gazetted Officer or Magistrate for the purpose of search. Thirdly, this issue in our considered opinion is no more res-integra in view of the observations made by this court in the case of **Madan Lal v. State of Himachal Pradesh 2003(4) RCR (Criminal) 100 : 2004(1) Apex Criminal 426 : 2003 CrI.L.J. 3868**. The Court has observed :*

*"A bare reading of Section 50 shows that it only applies in case of personal search of a person. It does not extend to search of a vehicle or a container or a bag or premises (See **Kalema Tumba v. State of Maharashtra and Anr. (1999(4) RCR (Criminal) 575 : JT 1999 (8) SC 293**), **State of Punjab v. Baldev Singh (JT 1994 (4) SC 595**), **Gurbax Singh v. State of Haryana 2001(1) RCR (Criminal)***



702 : (2001 (3) SCC 28). The language of section is implicitly clear that the search has to be in relation to a person as contrast to search of premises, vehicles, or articles. This position was settled beyond doubt by the Constitution Bench in Baldev Singh's case (*supra*). Above being the position, the contention regarding non-compliance of Section 50 of the Act is also without any substance."

14. In *State of Himachal Pradesh v. Pawan Kumar*, [2005(2) RCR (Criminal) 622 : 2005(2) Apex Criminal 1 : 2005 4 SCC 350], this Court has stated :

*A bag, briefcase or any such article or container, etc. can, under no circumstances, be treated as body of a human being. They are given a separate name and are identifiable as such. They cannot even remotely be treated to be part of the body or a human being. Depending upon the physical capacity of a person, he may carry any number of items like a bag, a briefcase, a suitcase, a tin box, a thaila, a jhola, a gathri, a holdall, a carton etc. of varying size, dimension or weight. However, while carrying or moving along with them, some extra effort or energy would be required. They would have to be carried either by the hand or hung on the shoulder or back or placed on the head. In common parlance it would be said that a person is carrying a particular article, specifying the manner in which it was carried like hand, shoulder, back or head, etc. Therefore, it is not possible to include these articles within the ambit of the word "person" occurring in Section 50 of the Act."*

*After discussion on the interpretation of the word 'person', this Court concluded :*

*"that the provisions of section 50 will come into play only in the case of personal search of the accused and not of some baggage like a bag, article or container, etc. which (the*



*accused) may be carrying"*

*The court further observed :*

*"In view of the discussion made, Section 50 of the Act can have no application on the facts and circumstances of the present case as opium was allegedly recovered from the bag, which was being carried by the accused."*

16. Consequently, it is clear from the facts of the present case that the compliance of Section 50 of the N.D.P.S Act was not required and the search conducted by the I.O and the evidence collected thereby were not illegal. Consequently, we find no merits in the contention raised by the learned counsel for the appellant with regard to the non-compliance of Section 50 of N.D.P.S Act.

17. Still further, learned counsel for the appellant had vehemently argued that in the present case, the case was based on the testimonies of the official witnesses only and no independent witness was examined. Thus, the impugned judgment is legally unsustainable.

18. We have considered the submissions made by learned counsel for the appellant and find no grounds to accept the same. No doubt, it is always expected that independent witnesses should be examined to lend credibility to the statements of official witnesses; however, there is no such mandatory requirement by law. In fact, in the present case, the appellant has failed to show that the official witnesses had any enmity or grouse against him. Apart from that, even, the Investigating Officer and other official witnesses have been thoroughly cross-examined by learned defence counsel and their testimonies could not be shaken in any manner. Apart from that, the statements of the



official witnesses could not be rejected on the ground that no independent witness was examined in the case. We have carefully gone through the statements of official witnesses and there is nothing on record to disbelieve the statements of such official witnesses. Even, Sukhvinder Singh appellant/accused was carrying 19 bags of poppy husk, each weighing 35 Kg of poppyhusk and thus, total quantity of contraband recovered was 665 Kgs of poppyhusk, which is a very heavy quantity. We cannot overlook the fact that such a huge quantity can never be planted by the police on their own and there was no ground to disbelieve the recovery of poppy straw from the present appellant.

19. Even otherwise, in the present case, the statements of various official witnesses was duly corroborated by the report of the F.S.L Ex.PJ, which proved that poppy straw (*chura post*) was recovered from the possession of Sukhvinder Singh. Apart from that, it is also proved from the statement of PW-6, Om Parkash D.S.P, that on the same day i.e. 04.11.2000 a report under Section 57 of the N.D.P.S Act was sent to him, which was forwarded by him to the S.P for his perusal. Thus, the provisions of Section 57 of the N.D.P.S Act were complied with. Apart from that, even, the link evidence in the present case was complete in all respects and the Trial Court has recorded detailed findings in this regard.

20. We have carefully perused the evidence on record and the detailed findings recorded by the Trial Court. The Trial Court has appreciated the evidence led by the both the sides in the light of the settled principles of law and we find no material irregularity, illegality or perversity in the impugned judgment.



21. Accordingly, impugned judgment of conviction dated 03.12.2003 and order of sentence dated 04.12.2003, passed by the Special Court, Kaithal are ordered to be upheld by this Court and the present appeal is ordered to be dismissed.

22. The appellant may be taken in custody, if on bail, to serve the remaining sentence.

**CRA-D-395-DBA-2004**

23. By way of the instant appeal, the State of Haryana has challenged the correctness and legality of the impugned judgment dated 03.12.2003, passed by the Special Court, Kaithal, whereby, the respondents were ordered to be acquitted by the Trial Court.

24. Learned State counsel vehemently argued that the identity of the respondents no. 1 to 4, who had escaped from the spot was duly established by the prosecution. PW-7 Manohar Lal, A.S.I previously knew all the accused and he categorically stated in his statement that he and H.C Kulbir Singh earlier knew all the respondents. Even, complete details of all the respondents were mentioned in the ruqa Ex.PF, which was immediately sent to the police station for registration of the case. Even, the respondents had a criminal background and the testimony of prosecution witnesses was wrongly disbelieved in this regard. Moreover, the Trial Court further failed to appreciate that the police officials had no reason to falsely involve the respondents and they have been wrongly acquitted by the Trial Court.

25. On the other hand, learned counsel appearing on behalf of the respondents has taken us through various findings recorded by the Trial Court and vehemently argued that respondents No.1 to 4 have been rightly acquitted



by the Trial Court. Even, the respondents No.1 to 4 had allegedly fled from the spot and the prosecution was obliged to conduct a test identification parade of the respondents. Apart from that, it was also apparent from the cross-examination of PW-7 A.S.I Manohar Lal that he could not have known the respondents and a futile attempt has been made to falsely involve them.

26. Having taken into consideration the totality of the circumstances and the evidence, we find that there is no force in the argument raised by learned counsel for the State of Haryana.

27. From a perusal of the statement of PW-7 Manohar Lal, A.S.I, it is apparent that he had not mentioned in the ruqa as to how the respondents No.1 to 4 were known to him. Even, in his statement before the Court, he could not explain the fact as to how respondents No.1 to 4 were known to him. Even, in the past also, he had never joined any of the respondents in any of the investigation in some earlier case. Further, the prosecution also did not hold any test identification parade to prove the identity of the respondents No.1 to 4. The Trial Court could not have convicted the respondents No. 1 to 4 only on the ground that their names were found to be mentioned in the F.I.R itself. The prosecution was obliged to prove the identity of the respondents No.1 to 4 as accused in the instant case beyond reasonable doubt. However, no such evidence was led by the prosecution. Even otherwise, we have carefully perused the findings recorded by the Trial Court and found that the trial Court has recorded detailed findings, while acquitting all the respondents. We find no illegality or perversity in the impugned judgment passed by the Trial Court in this regard and the findings recorded by the Trial Court, whereby, the respondents have been acquitted, are ordered to be upheld.

28. Thus, findings no merits, the present appeal is also ordered to be dismissed.
29. We record our appreciation for Amicus, who have rendered able assistance to the Court and fee of Amicus Curiae is assessed Rs.20,000/- each, which shall be paid by High Court Legal Services Authority, as per rules and practices.
30. Pending application(s), if any, stand(s), disposed of, accordingly.
31. Case property, if any, be dealt with, and destroyed after the expiry of period of limitation for filing the appeal, in accordance with law.
32. The Trial Court record be sent back.

(N.S.SHEKHAWAT)  
JUDGE

(H.S GREWAL)  
JUDGE

23.02.2026  
hitesh

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