

**IN THE COURT OF SH. SACHIN GUPTA**  
**ADDITIONAL CHIEF METROPOLITAN MAGISTRATE-**  
**03, ROUSE AVENUE COURTS COMPLEX, NEW DELHI**

**CNR No. DLCT 12-001164-2019**  
**State Vs. S. Manjeet Singh GK and Ors.**  
**FIR No. 167/2012**  
**PS. Parliament Street**  
**Case No. 101/2019**

**JUDGMENT**

- 1) The date of commission of offence : 15.11.2012
- 2) The name of the complainant : Ram Singh
- 3) The name & parentage of accused :
- 1.S. Manjeet Singh  
GK S/o Sh.  
Santokh Singh
  - 2.S. Kuldeep Singh  
Bhogal S/o. Sh.  
Harbans Singh.
  - 3.S. Manjinder Singh  
Sirsa S/o. Sh.  
Jasbir Singh
  - 4.S. Paramjeet Singh  
Rana S/o. Sh.  
Sunderjeet Singh  
Rana
  - 5.S. Chaman Singh  
S/o. Sh. Kultar  
Singh
- 4) Offence(s) : u/s. 147/148/323/325/  
427 IPC r/w sec.149  
IPC

- 5) The plea of accused persons : Plead not guilty  
6) Final order : Accused are acquitted  
7) The date of such order : 14.09.2021
- Date of Institution : 01.05.2014  
Judgment reserved on : 08.09.2021  
Judgment announced on : 14.09.2021

1. Briefly stated the case of the prosecution is that on 15.11.2012 at about 11.00 a.m., at Gurudwara Rakab Ganj Sahib, New Delhi, a meeting of Delhi Sikh Gurudwara Management Committee (DSGMC) presided over by S. Paramjeet Singh Sarna (President) was convened and all the accused persons namely S. Manjeet Singh GK, S. Manjinder Singh Sirsa, S. Kuldeep Singh Bhogal, S. Paramjeet Singh Rana and S. Chaman Singh being part of an unlawful assembly alongwith other miscreants and security guards with their common object to take or obtain possession of records of DSGMC and in the event of failing to take possession of records, to burn the records, used force and violence in prosecution of the said common object of the unlawful assembly and also used deadly weapon like swords which is likely to cause death as a weapon of offence, for the purpose of rioting. It is further the case of the prosecution that members of the said unlawful assembly including accused persons in prosecution of their common object, caused grievous hurt/injury to S. Nirmal Singh and also caused simple injuries to S. Surmel Singh and S. Bachittar Singh. It is further the case of

the prosecution that members of the said unlawful assembly caused damage to the property of Delhi Sikh Gurudwara Management Committee (DSGMC) and thereby each of the accused persons being the member of unlawful assembly also committed the offence of mischief.

2. In the present case, FIR was registered upon the complaint of complainant Sh. Ram Singh, the then General Manager, DSGMC. After completion of investigation, investigating officer filed charge-sheet against the abovementioned accused persons for the offence u/s. 147/148/149/323/325/427/307 IPC in the Court.

3. Since offence u/s. 307 IPC was exclusively triable by the Id. Sessions Court, Id. Predecessor Judge vide order dated 06.07.2015 committed the case to the Court of Sessions. However, Id. Sessions Court vide order dated 21.05.2019 framed the charge under Section 147/148/323/325/427 IPC read with Section 149 IPC against all the accused persons and discharged them for the offence u/s. 307 IPC. Accused persons pleaded not guilty and claimed trial. Since none of the offences for which accused were charged was exclusively triable by the Court of Sessions, therefore, present matter was assigned to the designated Court of Id. ACMM, for disposal as per law.

4. In support of its case, the prosecution got examined 12 witnesses.

5. PW-1 woman Head Constable Sosanminj, the then Duty Officer at PS Parliament Street, deposed of registering the

present FIR on 15.11.2012, copy of which is Ex. PW-1/A. She also deposed that she registered this FIR upon the directions of SHO, on the basis of complaint of complainant Sh. Ram Singh, General Manager, DSGMC and her endorsement on the complaint is from point X to X, bearing her signature at point A. She further deposed that DD No. 11 dated 15.11.2012 has recorded the fact of registration of FIR of this case, copy of DD is Ex. PW-1/B.

6. In her cross-examination by Id. defence Counsel, PW-1 admitted that she had not filed certificate u/s. 65-B of the Indian Evidence Act. She also stated that she did not see the complainant in the police station. She denied that she had not produced the certificate u/s. 65-B of the Indian Evidence Act as she was a tutored witness and she did not register the present FIR nor its printout was taken before her. she also stated that she had not recorded DD entry regarding the incident prior to DD No. 11.

7. PW-2 Ram Singh, who is the complainant in the present case, deposed that on 15.11.2012, a meeting of executive committee of Delhi Sikh Gurudwara Management Committee (DSGMC) was scheduled at 11.00 a.m. in Gurudwara Rakab Ganj Sahib; that he also went to attend the meeting as General Manager of DSGMC, which was started at 11.00 a.m.; that somebody came in the meeting and told that some dispute (Jhagda) is going on outside; that when he came outside the office of the President, where the meeting was going on, he saw that S. Manjeet Singh was having head injury and S. Chaman

Singh and one Mr. Rana were also injured. He further deposed that there were around 15-20 persons standing there but he did not know or identify them; that thereafter, he came to know that injured were taken to hospital and he did not have anything else to say. On 02.03.2021, when the said witness PW-2 Ram Singh was recalled for his further examination, he stated that he gave one complaint on 15.11.2012 at the police station Parliament Street, which is Ex. PW2/A, bearing his signatures at point A and he had already given his statement in the Court pertaining to the present case.

**8.** PW-2 Ram Singh was cross-examined by the Id. APP for State on the ground that he was resiling from his previous statement/complaint given to the police and not disclosing the complete facts. In his cross-examination by Id. APP for State, he stated that his complaint dated 15.11.2012 was based upon the facts which came to his knowledge on the basis of information given to him by the people. He further stated that he had signed his complaint dated 15.11.2012 Ex. PW-2/A without going through its contents. He also stated that he was in meeting and he felt no requirement to go through the complaint Ex. PW-2/A given by him. He further stated that he did not know who had typed the complaint dated 15.11.2012 Ex. PW-2/A and sometimes, due to work pressure, it was not possible for him to go through the documents while signing the same.

**9.** In his cross-examination by Id. APP for State, PW-2 Ram Singh denied that accused persons namely Manjeet Singh GK, Manjinder Singh Sirsa, Kuldeep Singh Bhogal, Chaman Singh

and Paramjeet Singh Rana entered into the room, where meeting of Executive Committee of Delhi Sikh Gurudwara Management Committee (DSGMC) was going on 15.11.2012 or that the accused persons alongwith their supporters and security guards entered into the DSGMC premises carrying swords, guns, stones with them. He further denied that accused persons tried to take the records of DSGMC office or that accused persons with preplanned manner tried to cause harm to Paramjeet Singh Sarna and Harvinder Singh Sarna. He further denied that accused persons alongwith their guards fired in the premises of DSGMC or that accused persons entered into the office of DSGMC with intention to murder Harvinder Singh Sarna. He further denied that three persons namely Bachchiter Singh, Nirmal Singh and Sirmail Singh sustained injuries during the incident. He also denied that accused Manjinder Singh Sirsa, Kuldeep Singh Bhogal forcefully entered in the office of DSGMC alongwith their supporters and security guards carrying kirpan and arms with them or that accused Manjeet Singh GK alongwith their supporters captured and instructed the supporters to capture the office record. He further denied that the people including him, who were present in the executive meeting of DSGMC, hid behind the chairs and furniture kept there to protect themselves from attack. He denied that Manjinder Singh Sirsa and Kuldeep Singh Bhogal provoked their supporters and threatened him and the other persons who were present in the meeting. He admitted that on 02.03.2012, one incident also happened in the premises of DSGMC. He denied that accused Kuldeep Singh Bhogal was involved in the incident dated 02.03.2012. He stated that he had

no ailment of memory loss. He denied of deposing falsely.

**10.** In his cross-examination by ld. defence Counsel, he stated that on 15.11.2012, he had not seen accused namely Manjinder Singh Sirsa and Kuldeep Singh Bhogal in or outside the premises of DSGMC. He further stated that he had not seen any of the accused persons provoking any person for causing any sort of violence happened in the premises/office of DSGMC. He further stated that he had not heard from anybody regarding the presence of Manjinder Singh Sirsa and Kuldeep Singh Bhogal on 15.11.2012 at or around the premises of DSGMC. He admitted that each page of his complaint Ex. PW-2/A did not bear his signature, except its last page i.e. page no. 4. He further stated that he had not seen Manjit Singh GK, Paramjeet Singh Rana and Chaman Singh carrying any weapon with them on 15.11.2012. He admitted that after the incident of 15.11.2012, police official had not recorded his any other statement. He also stated that at the time of incident, Harvinder Singh Sarna and Paramjeet Singh Sarna were sitting inside the meeting room and they came outside after arrival of the police.

**11.** PW-3 Dr. Shweta Gupta, Chief Medical Officer, Safdarjung hospital deposed that on 15.11.2012, she was posted at Safdarjung hospital as senior medical officer and she gave her opinion on four MLCs bearing no. 224809 Ex. PW-3/A, MLC No. 224810 Ex. PW-3/B, MLC No. 224802 Ex. PW-3/C and MLC No. 224808 Ex. PW-3/D. She further deposed that the patients examined vide MLCs Ex. PW-3/B, Ex. PW-3/C and Ex. PW-3/D suffered simple injuries and patient examined vide MLC

Ex. PW-3/A suffered grievous injury.

**12.** In her cross-examination by Id. defence Counsels, she admitted that MLC Ex. PW-3/B and Ex. PW-3/C did not bear her stamp. She admitted that she was not an orthopedic or a radiologist and her specialty was of an anesthetist. She denied that she had given opinion of injury being grievous at the behest of investigating officer or that she could not have given this opinion as she was neither orthopedic nor a radiologist and the same did not fall in her specialisation. She also denied that no fracture was sustained by the injured or that the injuries reflected in the MLCs were manipulated.

**13.** PW- 4 Inspector Prashant Yadav, the then SI, In-charge, mobile crime team, New Delhi, deposed that on 15.11.2012, upon receiving an information from SI Rajeev Vimal, In-charge Police Post, North Avenue, he reached the spot alongwith the staff at Rakabganj Gurudwara and as per instructions of the IO, he inspected the spot, the photographer clicked the photograph of the crime spot and he prepared the crime team inspection report, photocopy of the same is Mark PW-4/A and photographs are Ex. PW-4/B (collectively).

**14.** In his cross-examination by Id. defence Counsel, he stated that there were no finger prints lifted by the crime team at the spot and he could not say whether the negatives of the photographs were also placed on record alongwith photographs Ex. PW-4/B. He further stated that he did not take any receipt while handing over the crime team inspection report to the IO.

He denied that the fabricated photographs were filed before the Court or that he never visited the spot or that he was deposing falsely.

**15.** PW-5 SI Sunil Kumar deposed that on 15.11.2012, he alongwith IO SI Rajeev went to the place of incident alongwith the crime team and during the proceedings, he recorded the statement of two crime team staff, however, he did not remember their names due to lapse of time.

**16.** In his cross-examination by Id. defence Counsel, he stated that he did not remember whether he made any entry in Rojnamcha about his visit to the spot of crime. He denied that he did not visit to the crime scene and therefore no entry was made in the Rojnamcha. He further stated that there was no such document placed on record to show that he visited the place of crime on 15.11.2012. He denied of deposing falsely.

**17.** PW-6 Inspector Virendra Singh deposed that on 26.12.2012, investigation of the case FIR No. 168/12 was marked to him and during the investigation, he searched the accused persons of the abovesaid FIR and during investigation, he recorded the statement u/s. 161 Cr. P.C. of four witnesses namely Gurnaam Singh, Inderjeet Singh, Harnam Singh and one name, which he could not recall. He further deposed that he obtained the MLC result of the injured persons and as per the MLCs, all the injured persons sustained simple injuries. He further deposed that he handed over the copy of the abovementioned witnesses to the IO of FIR No. 167/12, during investigation.

**18.** In his cross-examination by Id. defence Counsel, he stated that he did not examine any witness with respect to the present FIR No. 167/12 nor he searched any accused persons in the FIR No. 167/12. He denied that there was no person namely Gurnaam Singh and he had recorded wrong statement of the said person. He also denied that he did not hand over the copy of the abovementioned witnesses to the IO of FIR No. 167/12 during the investigation. He admitted that he had not done any sort of investigation in the present FIR No. 167/12. He denied of deposing falsely.

**19.** PW-7 Sh. Bachittar Singh deposed that on 15.11.2012, he was on duty at the gate of Gurudwara Rakab Ganj, Delhi; that there was a meeting going on inside Gurudwara office; that he was instructed not to allow anyone to enter in the meeting and after sometime, accused Manjeet Singh GK came there at the gate and told him that he had an invitation to join the meeting. He further deposed that he conveyed to him (Manjeet Singh GK) that he had no such instructions to allow anyone to enter the meeting room. He further deposed that suddenly, some unknown persons came there and they started attacking on them as well as on Manjeet Singh GK; that thereafter, he did not know what happened as large crowd gathered there; that he did not know who had injured to whom; that he was taken to the hospital for medical examination and he did not know anything else about the incident.

**20.** PW-7 Bachittar Singh was cross-examined by the Id. APP for State on the ground that he was resiling from his previous

statement given to the police. In his cross-examination by Id. APP for State, he denied that on the day of incident, when the meeting of Delhi Sikh Gurudwara Management Committee (DSGMC) was going on, accused Manjeet Singh GK and Kuldeep Singh Bhogal tried to forcefully enter inside the meeting room of DSGMC. He further denied that persons who attacked and caused damage to the property of the DSGMC came along-with accused Manjeet Singh GK and Kuldeep Singh Bhogal or that those unknown persons who came there on the date of incident, were carrying guns with them or that they fired inside the premises of office of DSGMC. He further denied that he sustained injuries due to attack caused by accused Manjeet Singh GK, Kuldeep Singh Bhogal and their supporters. He also denied that he was intentionally not identifying the accused persons namely Manjinder Singh Sirsa, Paramjeet Singh Rana, Chaman Singh and Kuldeep Singh Bhogal in order to save the accused persons.

**21.** In his cross-examination by Id. defence Counsel, he stated that on 15.11.2012, he was deputed at the main gate of the office of DSGMC along-with Sardar Surmail Singh and Sardar Nirmal Singh. He further stated that on 15.11.2012, he had not heard that accused Manjeet Singh GK, Chaman Singh and Paramjeet Singh Rana were making provoking speeches to instigate the crowd to commit violence. He admitted that on 15.11.2012, accused Manjinder Singh Sirsa and accused Kuldeep Singh Bhogal were not present inside or outside the premises of office of DSGMC. He further stated that he had not heard from anyone that accused

Manjinder Singh Sirsa and accused Kuldeep Singh Bhogal had come there on the date of incident i.e 15.11.2012. He admitted that at the time when crowd of unknown persons gathered outside the office of DSGMC, Sardar Paramjeet Singh Sarna, Sardar Harvinder Singh Sarna and Sardar Gurmeet Singh Shunty were inside the office of DSGMC and they did not even come outside the office after hearing the noise of the crowd gathered there. He further stated that he did not know any person who was present there in the crowd at the time of incident. He further stated that he did not know who had caused injuries to him on the date of incident in question. He admitted that no person from the crowd gathered outside the office of DSGMC, entered inside the office of DSGMC on the date of incident.

**22.** PW-8 Sh. Surmel Singh deposed that on 15.11.2012, the meeting held by Paramjeet Singh Sarna was going on at the Gurudwara Rakab Ganj, Delhi; on that day, he was working as 'Sewadar' along-with Bachittar Singh and Nirmal Singh and they were told not to allow anyone to enter inside the meeting room, where meeting was going on; that after sometime, accused Manjeet Singh GK came there and showed an invitation letter to join the meeting, however, it was conveyed to him that they had no such instructions to allow anyone to enter the meeting room. He further deposed that suddenly, some unknown persons came there in a crowd and they started shouting and attacked on them as well as on Manjeet Singh GK; that he also sustained injuries due to attack by those unknown persons and he was taken to the hospital for medical examination. He also deposed that thereafter,

he did not know what had happened at the place of incident; that he was never called by the police officials at police station or elsewhere to record his statement; that investigating officer (IO) never recorded his statement in this case at any point of time and he did not know anything else about the incident.

**23.** PW-8 Surmel Singh was cross-examined by the Id. APP for State on the ground that witness has turned hostile and not supporting the case of the prosecution. In his cross-examination by Id. APP for State, he denied that on the day of incident, when meeting of Delhi Sikh Gurudwara Management Committee (DSGMC) was going on, accused Manjeet Singh GK and Kuldeep Singh Bhogal tried to forcefully enter inside the meeting room of DSGMC or that persons who attacked and caused damage to the property of the DSGMC came along-with accused Manjeet Singh GK and Kuldeep Singh Bhogal. He also denied that those unknown persons who came there on the date of incident, were carrying guns, kirpan, swords with them or that they fired inside the premises of office of DSGMC. He further denied that he sustained injuries due to attack caused by accused Manjeet Singh GK, Kuldeep Singh Bhogal and their supporters. He also denied that accused persons entered in the office of DSGMC or that they captured the official record of DSGMC. He further denied that accused persons along-with their supporters tried to put on fire the office of DSGMC. He further stated that he did not know whether anyone inside the office room, where meeting was going on, hide himself behind the chair or furniture lying there in order to save him. He further denied that he was

intentionally not identifying the accused persons namely Manjeet Singh GK, Manjinder Singh Sirsa, Paramjeet Singh Rana, Chaman Singh and Kuldeep Singh Bhogal in order to save the accused persons. He denied that he was deposing falsely.

**24.** In his cross-examination by Id. defence Counsel, PW-8 Surmel Singh stated that on 15.11.2012, he had not heard that accused Manjeet Singh GK, Chaman Singh and Paramjeet Singh Rana were making provoking speeches to instigate the crowd to commit violence. He admitted that on 15.11.2012, accused Manjinder Singh Sirsa and accused Kuldeep Singh Bhogal were not present inside or outside the premises of office of DSGMC. He further stated that he had not heard from anyone that accused Manjinder Singh Sirsa and accused Kuldeep Singh Bhogal had come there on the date of incident i.e. 15.11.2012. He admitted that at the time when crowd of unknown persons gathered outside the office of DSGMC, Sardar Paramjeet Singh Sarna, Sardar Harvinder Singh Sarna and Sardar Gurmeet Singh Shunty were inside the office of DSGMC and they did not even come outside the office after hearing the noise of the crowd gathered there. He further stated that he did not know any person who was present there in the crowd at the time of incident and he did not know who had caused injuries to him on the date of incident in question. He admitted that no person from the crowd gathered outside the office of DSGMC, entered inside the office of DSGMC on the date of incident.

**25.** PW-9 Sh. Nirmal Singh deposed that on 15.11.2012, he was on duty at the gate of Gurudwara Rakab Ganj, Delhi

alongwith Surmel Singh and Bachittar Singh; that there was a meeting going on inside Rakab Ganj Gurudwara office, Delhi; that he was instructed by President Paramjeet Singh Sarna not to allow anyone to enter in the meeting; that after some time, accused Manjeet Singh GK came there and he requested him not to enter inside the office of Rakab Ganj Gurudwara, Delhi. He further deposed that after some time, some unknown persons also came there and they started attacking on him, Surmel Singh and Bachittar Singh as well as on Manjeet Singh GK. He further deposed that thereafter, he did not know what happened as large crowd gathered there; that he did not know who had injured to whom and he was taken to the hospital for medical examination. He also deposed that he did not know anything else about the incident and police did not record his statement during the investigation.

**26.** PW-9 Nirmal Singh was cross-examined by the Id. APP for State on the ground that he was resiling from his previous statement given to the police. In his cross-examination by Id. APP for State, he denied that on the day of incident, when meeting of Delhi Sikh Gurudwara Management Committee (DSGMC) was going on, accused Manjeet Singh GK, Manjinder Singh Sirsa and Kuldeep Singh Bhogal tried to forcefully enter inside the meeting room of DSGMC. He also denied that accused Manjeet Singh GK, Kuldeep Singh Bhogal, Manjinder Singh Sirsa abused him or that persons who attacked and caused damage to the property of the DSGMC came along-with accused Manjeet Singh GK, Manjinder Singh Sirsa and Kuldeep Singh

Bhogal. He further denied that those unknown persons who came there on the date of incident, were carrying guns with them or that they fired inside the premises of office of DSGMC. He also denied that he sustained injuries due to attack caused by accused Manjeet Singh GK, Manjinder Singh Sirsa, Kuldeep Singh Bhogal and their supporters. He further denied that he was intentionally not identifying the accused persons namely Manjinder Singh Sirsa, Paramjeet Singh Rana, Chaman Singh and Kuldeep Singh Bhogal in order to save the accused persons.

27. In his cross-examination by ld. defence Counsel, he stated that on 15.11.2012, he had not heard that accused Manjeet Singh GK, Chaman Singh and Paramjeet Singh Rana were making provoking speeches to instigate the crowd to commit violence. He admitted that when Sardar Manjit Singh GK visited at the gate of Rakab Ganj Sahib Gurudwara office, he showed them an invitation letter which was issued by the General Secretary of DSGMC for the meeting which was going on inside the office of DSGMC. He admitted that on 15.11.2012, accused Manjinder Singh Sirsa and accused Kuldeep Singh Bhogal were not present inside or outside the premises of office of DSGMC. He further stated that he had not heard from anyone that accused Manjinder Singh Sirsa and accused Kuldeep Singh Bhogal had come there on the date of incident i.e 15.11.2012. He admitted that at the time when crowd of unknown persons gathered outside the office of DSGMC, Sardar Paramjeet Singh Sarna, Sardar Harvinder Singh Sarna and Sardar Gurmeet Singh Shunty were inside the office of DSGMC and they did not even came outside the office

after hearing the noise of the crowd gathered there. He further stated that he did not know any person who was present there in the crowd at the time of incident and he did not know who had caused injuries to him on the date of incident in question. He admitted that no person from the crowd gathered outside the office of DSGMC, entered inside the office of DSGMC on the date of incident.

**28.** PW-10 Sh. Gurmeet Singh Shunty deposed that he did not remember the date but it was a month of October, 2012, he was General Secretary of Delhi Sikh Gurdwara Management Committee. He further deposed that in the capacity of General Secretary, he issued invitation letter to Sardar Manjeet Singh GK and all the members of the executive board to attend the meeting. PW-10 Gurmeet Singh Shunty was not cross-examined by Id. defence Counsel despite opportunity given.

**29.** PW-11 Sh. Paramjeet Singh Sarna deposed that on 15.11.2012, he was President of Delhi Sikh Gurudwara Management Committee (DSGMC); that on 15.11.2012, at around 11.15 a.m., an executive meeting was going on in the office of DSGMC; their general secretary Gurmeet Singh Shunty under the influence of 'Badal Group', invited two persons namely Manjit Singh GK and Avtar Singh Hit to attend the aforesaid meeting of the DSGMC; that he had not authorized Gurmeet Singh Shunty to call Manjeet Singh GK and Avtar Singh Hit in the said meeting. He further deposed that without his prior permission, nobody could attend the said meeting except executive members of DSGMC; that they started the

meeting at around 11.15 a.m.; that the security guards/Sewadars informed him that around 40-50 persons gathered outside the meeting room inside the Gurudwara premises and he instructed the Sewadars/guards not to allow anyone to enter inside the office where the meeting was going on. He further deposed that he and other members did not leave the meeting and completed the entire meeting; that after the meeting was over, he went outside the meeting room and saw that stones were pelted in the Gurudwara premises, pots (gamlas) and glasses were broken. He further deposed that he came to know from Sewadar that those 40-50 persons who gathered outside the meeting room, pelted stones, broken pot and glasses and also one of them fired a bullet. He further deposed that he had not seen anyone pelting stones or breaking glasses or pots or firing bullets; that they came with an intention to capture and destroy the Gurudwara property and record; that their Sewadars informed him that accused Manjinder Singh Sirsa, Kuldeep Singh Bhogal, Paramjeet Singh Rana, Manjeet Singh GK and Avtar Singh were leading the mob and he came to know from Sewadars that in that rush, Manjeet Singh GK fell on the ground of his own and sustained injuries; that thereafter, press people came there and he gave them statement.

**30.** PW-11 Paramjeet Singh Sarna was cross-examined by the Id. APP for State on the ground that witness was not disclosing the complete facts. In his cross-examination by Id. APP for State, he stated that he could not say whether those 40-50 persons who gathered at the Gurdwara, were carrying swords, pistols and stones as he was not outside the meeting room and he was

informed by Sewadars that those persons were carrying Kirpan and one of them was carrying pistol with him. He further stated that he did not remember whether any of Sewadars/security guards sustained injury, while the mob pelted stone in the Gurudwara premises. He further stated that he did not remember whether Bachchiter Singh, Nirmal Singh and Sirmal Singh sustained injury in the aforesaid incident. He admitted that accused Manjeet Singh GK instructed the crowd to capture the office record of Gurudwara DSGMC and the Sewadars/security guards closed the door and hid themselves behind the tables and chairs in the office of Gurudwara premises where the meeting was going on to save themselves from the crowd/mob. He also admitted that accused Kuldeep Singh attacked in the Gurudwara premises on 02.03.2012 and also attacked Harvinder Singh Sarna.

**31.** In his cross-examination by Id. defence Counsel, PW-11 denied that he had political rivalry with the accused persons. He admitted that accused Manjinder Singh Sirsa defeated him in the election of DSGMC in the year 2013 and 2017 from the ward of Punjabi Bagh. He also admitted that he had not seen any incident happened on 15.11.12 regarding rioting, pelting of stones by the mob or firing of bullet by anyone in the mob who gathered in the Gurudwara premises. He further admitted that Mr. Gurmeet Singh Shunty is presently a member of his religious party i.e. Shiromani Akali Dal Delhi. He denied that accused Manjeet Singh GK did not instruct the crowd to capture the office record of Gurudwara DSGMC. He admitted that one FIR was registered

against him by Kuldeep Singh Bhogal on the incident of Bala Saheb Hospital. He further admitted that he had not stated name of any Sewadar who stated about the incident of 15.11.2012 to him. He stated that he instructed the then general manager Ram Singh to report the entire incident and lodge the FIR about the same. He denied that he had stated the wrong facts against all the accused persons or that he was deposing falsely.

**32.** PW-12 Sh. Harvinder Singh Sarna deposed that on 15.11.2012, he was the executive member of Delhi Sikh Gurudwara Management Committee (DSGMC); that at around 11.00-11.15 a.m., there was an executive meeting going on in the office of DSGMC for discussion of Gurudwara affairs and only members of DSGMC were allowed to attend the meeting and no one else could attend the meeting without prior permission of the President of DSGMC. He further deposed that he heard some noises coming from the outside; that Sevadar came in the meeting room and informed that several persons had gathered outside and they had broken all the pots (gamlas) lying there; that they did not leave the meeting room and meeting was going on; that they instructed guards/Sevadar not to allow anyone to enter inside the meeting room; that they felt that the crowd were carrying swords, lathis and Manjinder Singh Sirsa was leading and provoking the crowd and after completing the meeting, they came outside the meeting room. He further deposed that they felt danger to their lives and he saw there was a damage to the Gurudwara property; that the police cleared the area and during the incident, one bullet was also fired outside the meeting room

in the Gurudwara premises. He stated that he did not remember whether Bachchiter Singh, Nirmal Singh and Sirmal Singh sustained injury in the aforesaid incident as the incident was ten years old.

**33.** In his cross-examination by Id. defence Counsel, PW-12 admitted that accused Manjinder Singh Sirsa defeated S. Parmajeet Singh Sarna in the election of DSGMC in the year 2013 and 2017 from the ward of Punjabi Bagh. He also admitted that he had not seen any incident happened on 15.11.2012 regarding rioting, pelting of stones by the mob or firing of bullet by anyone in the mob who gathered in the Gurudwara premises. He further admitted that Mr. Gurmeet Singh Shunty is presently a member and General Secretary of their religious party i.e. Shiromani Akali Dal Delhi. He denied that accused Manjeet Singh GK and Manjinder Singh Sirsa had not instructed the crowd to capture the office record of Gurudwara DSGMC. He admitted that he had not stated name of any Sewadar who stated about the incident of 15.11.2012 to him. He also admitted that S. Gurmeet Singh Shunty, the then General Secretary of DSGMC, invited Manjeet Singh GK to attend the executive meeting of DSGMC on 15.11.2012. He denied that he had stated the wrong facts against all the accused persons or that he was deposing falsely.

**34.** Statement of accused persons u/s 313 Cr. P.C were recorded, wherein accused persons *inter alia* stated that this is a false and frivolous case against them due to political rivalry. They opted not to lead defence evidence.

**35.** I have heard the final arguments of Id. APP for State and Id. Counsel for accused persons. It is argued by Id. APP for the State that prosecution has examined 12 witnesses in support of its case, who have deposed in favour of prosecution, explained the incident, role of accused persons and prosecution has successfully proved its case against the accused persons. On the other hand, Id. Counsel for accused persons argued that accused have been falsely implicated in the present case for political motives and prosecution has miserably failed to prove its case against the accused persons. It is also argued that there is no evidence against the accused persons in this case; that none of the prosecution witnesses have deposed seeing any accused carrying any weapon or provoking anyone to commit violence and none of them have deposed against the accused persons. It is also argued that complainant/ PW-2 has also not supported the prosecution case, who has deposed that he signed the complaint Ex. PW2/A without going through its contents and he did not even know who had typed the complaint. He also argued that injured persons namely Bachittar Singh, Surmel Singh and Nirmal Singh, examined as PW-7 to PW-9 respectively, also completely failed to support the prosecution case, who have not deposed anything incriminating against the accused persons and even presence of accused S. Kuldeep Singh Bhogal and S. Manjinder Singh Sirsa at the spot was not admitted by them. He further argued that deposition of other so called material witnesses i.e. PW-11 and PW-12 are even based on hearsay and not at all supportive to the prosecution case and none of the

prosecution witnesses has deposed against the accused persons; that there is nothing incriminating against them and therefore, accused persons deserve acquittal in this case.

**36.** It is fundamental principle of criminal jurisprudence that an accused is presumed to be innocent and therefore, the burden lies on the prosecution to prove the guilt of the accused beyond reasonable doubt. The general burden of establishing the guilt of accused is always on the prosecution and it never shifts. It is settled proposition that the prosecution has to prove the guilt of accused beyond all reasonable doubt and that too by leading independent, reliable and unimpeachable evidence. There is no controversy to the proposition that the accused is entitled to the benefit of every doubt occurring in the prosecution case.

**37.** It is well settled that Section 149 IPC creates a specific offence and deals with the punishment of that offence. To constitute an “unlawful assembly” there must be: -

- a) an assembly of five or more persons;
- b) they must have a common object; and
- c) the common object must be one of the five specified in Section 141 IPC.

**38.** Thus, before there can be an unlawful assembly or rioting, there must be five persons who have common object and that object is one of those set out in Section 141 IPC. The object should be common to the persons who composed the assembly, that is to say, they should all be aware of it and concur in it. The word 'assemble' implies the meeting of persons animated by the same purpose with the intention of furthering it. But the mere

combination or assemblage of five or more men does not render their meeting unlawful, unless the meeting was in pursuance of common unlawful object.

**39.** In the present case, charge under section 147/148/323/325/427 IPC read with Section 149 IPC was framed against all the accused persons and in support of its case, prosecution examined twelve witnesses in order to bring home the guilt of the accused persons. Out of those witnesses, complainant Ram Singh is PW-2, injured persons namely Bachittar Singh, Surmel Singh and Nirmal Singh are PW-7 to PW-9 respectively, Paramjeet Singh Sarna and Harvinder Singh Sarna are PW-11 and PW-12 respectively, who, as per the story projected by the prosecution, were present at the spot at the time of incident in question, hence, they were the most material witnesses for the prosecution case, however, contrary to the case of the prosecution, none of above mentioned witnesses supported the prosecution case, to prove the charges against the accused persons. They were also cross examined at length by Id. APP for State, however, nothing material and unimpeachable elicited from their cross-examination which would connect the accused persons to the incident in question or make them liable for any such offence. It is also well settled that a witness making inconsistent and/or contradictory statements as to the material facts and circumstances is unworthy of credence. Moreover, other witnesses examined by the prosecution were police/formal witnesses and even as per the case of prosecution, none of them were present at the spot at the time of incident in question.

**40.** PW-2 Ram Singh, who is also complainant in this case, deposed that when he came outside the office, where the meeting was going on, he saw S. Manjeet Singh was having head injuries, Chaman Singh and one Mr. Rana were also injured and there were around 15-20 persons standing there but he did not know or identify them. Surprisingly, during his cross examination by Id. APP for State, he stated that his complaint dated 15.11.2012 was based upon the facts which came to his knowledge on the basis of information given to him by the people. Meaning thereby, as per the complainant himself, his complaint Ex. PW-2/A was based on hearsay and not on the basis of his personal knowledge. This caused dent to the prosecution case. He also did not disclose the name of the persons, who informed him about the incident. Not only this, complainant/PW-2 further stated that he signed his complaint dated 15.11.2012 Ex. PW-2/A without going through its contents, as he was in the meeting and he felt no requirement to go through the complaint Ex. PW-2/A given by him and he did not know who had typed the complaint dated 15.11.2012. Hence, it is further transpired from the testimony of complainant/ PW-2 Ram Singh that he did not even go through the contents of the complaint Ex. PW2/A while signing the same nor he knew as to who had typed the same and he (complainant) merely put his signatures over there. This is again a very serious blow to the prosecution case. It strikes at the root of the prosecution case and makes the entire story of the prosecution doubtful. The complaint Ex. PW-2/A, which was the basis for registration of the FIR in the present case, itself comes under a cloud and becomes a

doubtful piece of paper, when the complainant himself denied of going through its contents before signing the same, which is further fortified when the complainant himself disputed and denied its contents during his cross examination by Id. APP for State.

**41.** In his cross examination by Id. APP for State, complainant/PW-2 Ram Singh denied that accused persons entered into the room, where meeting of Executive Committee of DSGMC was going on 15.11.2012 or that the accused persons alongwith their supporters and security guards entered into the DSGMC premises carrying swords, guns, stones with them. He also denied that accused persons tried to take the records of DSGMC office or that accused persons in preplanned manner tried to cause harm to Paramjeet Singh Sarna and Harvinder Singh Sarna. He further denied that accused persons alongwith their guards fired in the premises of DSGMC or that accused persons entered into the office of DSGMC with intention to murder Harvinder Singh Sarna. He also denied that accused Manjinder Singh Sirsa, Kuldeep Singh Bhogal forcefully entered in the office of DSGMC alongwith their supporters and security guards carrying kirpan and arms with them or that accused Manjeet Singh GK alongwith their supporters captured and instructed the supporters to capture the office record or that accused Manjinder Singh Sirsa and Kuldeep Singh Bhogal provoked their supporters and threatened him and the other persons who were present in the meeting.

**42.** In his cross-examination by Id. defence counsel, he stated

that on 15.11.2012, he had not seen accused namely Manjinder Singh Sirsa and Kuldeep Singh Bhogal in or outside the premises of DSGMC nor even heard from anyone regarding their presence over there. He also stated that he had not seen any of the accused persons provoking any person for causing any sort of violence happened in the premises/office of DSGMC nor he saw that accused Manjit Singh GK, Paramjeet Singh Rana and Chaman Singh carrying any weapon with them on 15.11.2012. Hence, complainant/PW-2 Ram Singh did not even support and prove the contents of his complainant Ex. PW-2/A. Rather, he virtually denied all the material facts, forming part of his complaint Ex. PW-2/A and which were the foundation of all the allegations against the accused persons leading to the registration of FIR in the present case and thereby, he completely demolished the prosecution case. This becomes fatal to the prosecution case.

**43.** Moreover, injured persons namely Bachittar Singh, Surmel Singh and Nirmal Singh, examined as PW-7 to PW-9 respectively, also completely failed to support the prosecution case, who deposed almost on the same lines that when on 15.11.2012, they were on duty at the gate of Gurudwara Raqab Ganj, New Delhi and there was a meeting going on inside Gurudwara office, after some time, accused Manjeet Singh GK came there at the gate, who showed them an invitation letter to join the meeting, however, it was conveyed to him that they had no such instruction to allow anyone to enter the meeting room and suddenly some unknown persons came there and started attacking on them as well as accused Manjeet Singh GK. They

also deposed that thereafter, they did not know what happened at the place of incident as large crowd gathered there and they did not know who had injured to whom.

**44.** They (PW-7 to PW-9) were also cross examined at length by Id. APP for State, however, the same also offered no help to the prosecution case to substantiate the charges against the accused persons. Rather in their cross examination by Id. APP for State, they denied that on the day of incident, when meeting of DSGMC was going on, accused Manjeet Singh GK and Kuldeep Singh Bhogal tried to forcefully enter inside the meeting room of DSGMC or that persons who attacked and caused damage to the property of the DSGMC came along-with accused Manjeet Singh GK and Kuldeep Singh Bhogal. They also denied that those unknown persons were carrying guns or that they fired inside the premises of the office of DSGMC. They also denied that they sustained injuries due to attack caused by accused Manjeet Singh GK, Manjinder Singh Sirsa, Kuldeep Singh Bhogal and their supporters. PW-8 Surmel Singh also denied that accused persons entered in the office of DSGMC or that they captured the office record of DSGMC or that they tried to put on fire the office of DSGMC.

**45.** Even in their cross-examination by Id. defence counsel, they stated that they had not heard that accused Manjeet Singh GK, Chaman Singh and Paramjeet Singh Rana were making provoking speeches to instigate the crowd to commit violence on 15.11.2012. They admitted that on 15.11.2012, accused Manjinder Singh Sirsa and accused Kuldeep Singh Bhogal were

not present inside or outside the premises of office of DSGMC nor they heard from anyone about the presence of said accused persons there on the date of incident. They further stated that they did not know any person who was present there in the crowd at the time of incident nor they know who had caused injuries to them on the date of incident in question. Hence, it becomes clear that the aforesaid injured persons namely Sh. Bachittar Singh, Surmel Singh and Nirmal Singh, (PW-7 to PW-9 respectively) also did not lend any support to the prosecution case to establish the charges against the accused persons in the present case.

**46.** Moreover, PW-10 Gurmeet Singh Shunty deposed that in the capacity of General Secretary of Delhi Sikh Gurdwara Management Committee (DSGMC), he issued invitation letter to Sardar Manjeet Singh GK and all the members of the executive board to attend the meeting. Hence, the mere presence of accused Manjeet Singh GK, who came there upon such an invitation letter, admittedly issued by PW-10, the then General Secretary of DSGMC, does not itself render his presence at the spot unlawful or for some unlawful object nor in any manner, show his complicity in the commission of any offence, rather, he himself was attacked by those unknown persons, who came there, as deposed by the PW-7 to PW-9 respectively.

**47.** Furthermore, PW-11 Paramjeet Singh Sarna and PW-12 Sh. Harvinder Singh Sarna also did not support the prosecution case to prove the charges against the accused persons. They deposed that they did not leave the meeting and instructed the ‘Sevadars’/security guards not to allow anyone to enter inside the

meeting room and only after completing the meeting, they came outside the meeting room. PW-11 Paramjeet Singh Sarna categorically deposed that he had not seen anyone pelting stones or breaking glasses or pots or firing bullets. In his cross-examination by Id. APP for State, PW-11 stated that he could not say whether they were carrying swords, pistols and stones as he was not outside the meeting room and he was informed by 'Sevadars' that those persons were carrying Kirpan and one of them was carrying pistol with him. PW-11 also did not remember whether any of 'Sevadars'/security guards sustained injury, while the mob pelted stone in the Gurudwara premises.

**48.** In his cross-examination by Id. defence counsel, PW-11 admitted that accused Manjinder Singh Sirsa defeated him in the election of DSGMC in the year 2013 and 2017 from the ward of Punjabi Bagh. PW-11 and PW-12 also admitted in their cross-examination that that they had not seen any incident happened on 15.11.12 regarding rioting, pelting of stones by the mob or firing of bullet by anyone in the mob who gathered in the Gurudwara premises. They also admitted that they had not stated name of any 'Sewadar' who stated about the incident of 15.11.2012 to them. Admittedly, S. Gurmeet Singh Shunty (PW-10), the then General Secretary of DSGMC, and who is also presently a member of their religious party, invited accused Manjeet Singh GK to attend the executive meeting of DSGMC on 15.11.2012. Hence, the above-mentioned witnesses i.e. PW-11 Paramjeet Singh Sarna and PW-12 Harvinder Singh Sarna also did not support the prosecution case to establish the charges against the

accused persons; they (PW-11 and PW-12) even denied of witnessing the incident in question and admittedly, they did not name any of such 'Sevadar' or security guard, who allegedly informed them about the incident. It is also transpired from their testimonies that their knowledge about the incident was merely a hearsay, on the basis of information given to them by the 'Sevadars' or security guards, whose names admittedly not disclosed by them. This further caused dent to the prosecution case and made the entire story of the prosecution more doubtful. Hence, on the basis of material on record, it becomes clear that there is no cogent evidence available on record to bring home the guilt of the accused persons in the present case.

**49.** In the backdrop of aforesaid discussion, facts and circumstances and material available on record, it is clear that prosecution has failed to establish the charges u/s. 147/148/323/325/427 IPC r/w Section 149 IPC against the accused persons, beyond reasonable doubts and accordingly, accused persons namely S. Manjeet Singh GK, S. Kuldeep Singh Bhogal, S. Manjinder Singh Sirsa, S. Paramjeet Singh Rana and S. Chaman Singh are acquitted for the said offence(s) under section 147/148/323/325/427 IPC r/w Section 149 IPC in this case. File be consigned to the record room after due compliance.

**Announced in Open Court  
on 14<sup>th</sup> Day of September, 2021**

**(SACHIN GUPTA)  
ACMM-3/RACC  
New Delhi/14.09.2021**