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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

**Date of decision: 15 June 2021**

+ **CRL.A. 82/2021**

**NATASHA NARWAL**

..... Appellant

Through: Mr. Adit S. Pujari, Ms. Tusharika  
Mattoo and Mr. Kunal Negi,  
Advocates.

versus

**STATE OF DELHI NCT**

..... Respondent

Through: Mr. Amit Mahajan, Mr. Amit Prasad,  
and Mr. Rajat Nair, SPPs for the State  
alongwith Mr. Dhruv Pande and Mr.  
Shantanu Sharma, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE SIDDHARTH MRIDUL**

**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

## **J U D G M E N T**

**ANUP JAIRAM BHAMBHANI, J.**

### **Introduction**

The appellant, Natasha Narwal has preferred the present appeal under section 21(4) of the National Investigation Agency Act 2008 ('NIA Act', for short) impugning order dated 28.01.2021 made by the learned Special Court ('impugned order', for short) rejecting the appellant's bail application in case FIR No. 59/2020 ('subject FIR', for short) dated 06.03.2020 registered initially under sections 147 / 148 / 149 / 120B of the Indian Penal Code 1860 ('IPC', for short) at P.S.: Crime Branch, New Delhi, to which offences

under sections 109 / 114 / 124A / 153A / 186 / 201 / 212 / 295 / 302 / 307 / 341 / 353 / 395 / 419 / 420 / 427 / 435 / 436 / 452 / 454 / 468 / 471 / 34 IPC, sections 3 / 4 of the Prevention of Damage to Public Property Act 1984 ('PDPP Act', for short), sections 25 / 26 of Arms Act 1959 and sections 13 / 16 / 17 / 18 of the Unlawful Activities (Prevention) Act 1967 ('UAPA', for short) were subsequently added. The appellant is stated to be in custody since 29.05.2020 in the subject FIR.

2. Briefly, the appellant is a student pursuing MPhil-Ph.D. Programme in the Department Centre of Women's Historical Studies at the Jawaharlal Nehru University, New Delhi, having completed her Bachelor of Arts (Honours) and Master of Arts in History from Hindu College, Delhi University.

### **Essence of allegations against Appellant**

3. In essence, the case cited by the prosecution against the appellant is that she was involved in instigating the local population in certain Muslim dominated areas in Delhi, particularly women, to protest against the Citizenship Amendment Act 2019 ('CAA', for short) passed by the Parliament and the exercise undertaken by the Central Government for creating a National Register of Citizens ('NRC', for short), by allegedly seeking to incite feelings of persecution. Other than this, the allegation is that as part of a women's rights group called '*Pinjra Tod*' (which may loosely be translated as 'break-free from the cage', namely from societal shackles) and other activist groups called the Delhi Protests Support Group ('DPSG', for short), the Jamia Coordination Committee ('JCC', for short), Warriors and '*Auraton ka Inquilab*', the appellant participated in a so-called larger

conspiracy to commit certain offences that are subject matter of the subject FIR, which also led to riots that occurred in the North-East part of Delhi between 22.02.2020 and 26.02.2020.

4. For sake of completeness, it is necessary to mention that the appellant was accused and was also arrested in two other FIRs, being FIR No. 48/2020 dated 24.02.2020 registered under section 147 / 186 / 188 / 109 / 283 / 353 / 341 / 34 IPC at P.S.: Jafrabad and FIR No. 50/2020 dated 26.02.2020 registered under section 147 / 148 / 149 / 186 / 283 / 302 / 307 / 332 / 323 / 353 / 427 / 109 / 188 / 120B / 34 IPC read with section 25 / 27 Arms Act and section 3 / 4 PDPP Act at P.S.: Jafrabad. It is noteworthy that in FIR No. 48/2020 the appellant was arrested on 23.05.2020 and was admitted to bail by the learned Duty Metropolitan Magistrate *vidé* order dated 24.05.2020 observing *inter alia* that the appellant was merely protesting the passing of the CAA and the exercise undertaken by the Central Government for creating the NRC and that she did not indulge in any violence. Insofar as FIR No. 50/2020 is concerned, the appellant was arrested on 24.05.2020, that is, *on the very day and from the very court* which admitted her to bail in FIR No. 48/2020 on 24.05.2020; and was subsequently admitted to bail in FIR No. 50/2020 *vidé* order dated 17.09.2020 by the learned ASJ, Karkardooma Courts, Delhi.
5. The appellant was arrested in the subject FIR *i.e.* FIR No. 59/2020 on 29.05.2020 while she was in judicial custody in Tihar Jail in FIR No. 50/2020. Even at the time of her formal arrest in the subject FIR on 29.05.2020, the Investigating Officer did not seek her police custody;

which was sought 04 days later, whereupon she suffered police custody for 05 days beginning 03.06.2020.

6. It would appear therefore that 03 separate FIRs came to be registered against the appellant, *albeit* arising from or in connection with, the same event, namely her alleged involvement with the protests against the CAA and the NRC. It must also be noticed that though FIR No. 59/2020 was registered on 06.03.2020, the appellant came to be arrested in the subject FIR some 3 months later on 29.05.2020.
7. Upon completion of investigation in the subject FIR, the respondent/Delhi Police has filed charge-sheet dated 16.09.2020 naming several accused persons, including the appellant. Although supplementary charge-sheets dated 22.11.2020 and 01.03.2021 have also been filed arising from the subject FIR, it is common ground that the said other charge-sheets do not relate to the appellant and are therefore not relevant for purposes of the present proceedings. *Vidé* order dated 17.09.2020 the learned Special Court is stated to have taken cognizance of the offences alleged in the subject charge-sheet, except offences under section 124A / 153A / 109 / 120B IPC, for which sanction for prosecution was still awaited from the State Government as of the date of the impugned order. However, charges have not yet been framed against the appellant or any of the other accused persons.
8. It may further be recorded for completeness that in Crl. M. C. No. 2119/2020, by which the State had challenged the learned trial court's direction to provide a hardcopy of the charge-sheet to all accused persons, further proceedings in the trial had been stayed by a learned Single Judge of this court *vidé* order dated 10.11.2020, which stay

order has however since been vacated by order dated 23.03.2021 made by the learned Single Judge.

### **Appellant's Submissions**

9. Mr. Adit S. Pujari, learned counsel appearing on behalf of the appellant contends that on point of fact, the appellant was not involved with any of the acts or omissions alleged against her in the subject charge-sheet. More specifically, counsel submits as follows :
  - (a) It is argued that the appellant was not involved or concerned with any violent protests against the CAA, whether as part of *Pinjra Tod* or DPSG; and that in any case she was not even a member of the JCC, the Warriors nor of the *Auraton ka Inquilab* WhatsApp groups at all.
  - (b) While the appellant does not deny that she was part of the women-led 24x7 sit-in protest at the site near Madina Masjid, Seelampur and of the protest at the 66-foota Road at Jafrabad Metro Station, she was not at the said protest sites on the date when riots and communal violence are alleged to have broken-out there, *i.e.* between 22.02.2020 and 26.02.2020 as would be evident from her call detail records ('CDRs') and video-footage of CCTV cameras installed at and around the sites.
  - (c) It is urged that the appellant's name is being falsely dragged into several allegations, including her having participated in various meetings, having been present at the protest sites where violence and rioting occurred, supported *only* on the basis of statements of witnesses, most of whom are now

protected witnesses, *recorded much after* the dates of the alleged incidents, whereas the ‘best evidence’ that ought to be produced to demonstrate the basis of these allegations, such as CDRs and relevant video-footage are intentionally not being produced.

- (d) Counsel submits that the State has not cited even a single statement of any actual victim of the alleged violence, since such victim would disprove the appellant’s presence during the riots and violence. Even copies of the CDRs and video-footage are not being provided to the appellant, to prevent her from showing that she was not present.
- (e) It is pointed-out that there is no reference in the charge-sheet to any specifics, such as names, addresses and other particulars of actual victims who may have suffered injuries or may have died at the locations where the appellant is alleged to have been present, nor to any other evidence as to the nature of injuries sustained, nor to any MLCs to that effect, all of which would belie and show the utter falsity of the allegations levelled *inter alia* against the appellant. In this behalf, it is also pointed-out that applications moved by the appellant before the learned Special Court seeking copies of the contents/data of her seized cell-phone and for requisitioning her CDRs and video-footage of the sites, have all been rejected. The appellant contends that video-footage of the protests was in fact *professionally recorded* by a videographer engaged by the Delhi Police; but such video-

footage has not been produced in an effort to block-out any exculpatory evidence which would show that the appellant was not even present at the place on the dates and time alleged.

- (f) It is accordingly the appellant's submission that the effort of the State is to embroil the appellant in events with which she had nothing to do; and in which she did not either perpetrate or participate in, on the vague and untenable plea of a 'larger conspiracy'.
- (g) It is further argued on behalf of the appellant that there is no substantive factual allegation, founded on any concrete, verifiable evidence adduced against the appellant; and in any case, the ingredients of the offences alleged under sections 15, 17 or 18 under Chapters IV or VI of the UAPA are not made-out, by reason of which section 43D(5) of the UAPA has no application to the bail application. It is accordingly contended, that the bail application must be decided only on the general principles of bail, namely the 'triple test' of flight risk, tampering with evidence and influencing witnesses and nothing more.
- (h) It is pointed-out that the appellant was arrested almost 03 months after the date of registration of the FIR, without even a notice under section 41A of the Cr.P.C. having been issued to her; yet she remained available for investigation at her residence throughout; and there is no chance of her fleeing from justice. It is further submitted that all evidence that was

required to be collected is already available with the investigating agency and no documentary or other evidence of any nature whatsoever is in the appellant's possession; nor has the appellant acted in a manner whereby it could be suspected that she would tamper with evidence. Furthermore, it is the appellant's submission, that considering her educational profile and situation in life, namely that she is a student pursuing her M.Phil-Ph.D. at JNU, she is in no position to influence any witnesses and accordingly there is no risk even on that count.

### **Respondent's Submissions**

10. Referring to certain portions of the subject charge-sheet, Mr. Amit Mahajan, learned Special Public Prosecutor appearing for the Delhi Police/State, has sought to explain the alleged role of the appellant in what the prosecuting agency calls the 'larger conspiracy'. The portions of the subject charge-sheet dated 16.09.2020, which charge-sheet is stated to run into some 19000 pages, that are stated to be relevant as against the appellant, are extracted in **Annexure - A** to this judgment for ease of reference. Broadly, the prosecuting agency's allegations against the appellant may be summarised as follows:
  - (a) The principal allegation against the appellant is that as a member of the women's rights organisation called *Pinjra Tod*, and as part of the WhatsApp groups under the name Warriors, *Auraton ka Inquilab*, DPSG, and JCC, the appellant engaged in a conspiracy to plan riots and destabilise the Government in the guise of an anti-CAA and anti-NRC protest. To support



this submission, the State draws attention to the portion of the subject charge-sheet extracted as Screenshot 1a-1b in Annexure - A attached to this judgment.

- (b) Furthermore, it is alleged that on 23.01.2020, the appellant was present at the *Pinjra Tod* office at E-1/13 Seelampur, Delhi, where one of the principal accused in the matter advised the persons present to escalate their planned *chakka jaam* (which may loosely be translated as a form of protest in which protesters cause complete stoppage of vehicles and blockade of roads), saying further, that merely giving inciting speeches would not work. In this behalf, the State draws attention to the portion of the subject charge-sheet extracted as Screenshot 2, 3a-3c, 4 and 5 in Annexure-A attached to this judgment.
- (c) On the intervening night of 16/17.02.2020, the appellant is also alleged to have attended a meeting in a locality called Chand Bagh, where, it is alleged, that the conspirators pledged to plan for executing a *chakka jaam*, including at the time that the US President was scheduled to visit New Delhi. In this regard, the State points to the portion of the subject charge-sheet extracted as Screenshot 6, 7 and 8a-8c in Annexure-A attached to this judgment.
- (d) More specifically, it is the State's allegation that the appellant was amongst the leaders who organised protests at a site described as the Plot of Chaudhary Mateen in Jafrabad, Delhi and at another protest site described as Opposite Tent Wala

School, Jafrabad, Delhi, as also at a site described as Fruit Market, Seelampur, Delhi. To support this submission, the State refers to the portion of the subject charge-sheet extracted as Screenshot 9, 10 and 11 in Annexure-A attached to this judgment.

- (e) The State alleges that the appellant was *inter alia* one of the conspirators who organised and instigated the 24x7 sit-in protest led by some 300 women at the Madina Masjid, Seelampur; and that on 23.02.2020, a group of protesting women also occupied the 66-foota Road at Jafrabad Metro Station, thereby completely blocking traffic and creating a *chakka jaam*, where the appellant also engaged in sloganeering and instigating the public against the government, which is described as giving '*bhadkau bhashan*', namely inciting speeches. To support this submission, the State references the portion of the subject charge-sheet extracted as Screenshot 12a-12b, 13a-13b, 14, 15a-15b, 16, 17, 18a-18b, 19a-19d and 20 in Annexure-A attached to this judgment.
- (f) It is also alleged that the appellant engaged in distributing packets of chilli-powder to women protesters, with the purpose of attacking police and military with it; and also asked women and youngsters to stockpile chilli-powder, *dandas* (sticks), empty bottles, acid, and stones to be used when the occasion arises. In this context, the State draws attention to the portion of the subject charge-sheet extracted as

Screenshot 21, 22, 23, 24, 25, 26, 27 and 28 in Annexure-A attached to this judgment.

- (g) The appellant is alleged to have also been part of the group of protesting women who proceeded from the Jafrabad protest site towards the Maujpur-Babarpur Metro Station, which brought them near the pro-CAA protest site, where again it is alleged, that the appellant *inter alia* distributed chilli-powder, bottles and stones to women protesters, which were thrown at the pro-CAA protesters sitting at that protest site. To show this, attention of the court is invited to the portion of the subject charge-sheet extracted as Screenshot 29a-29b, 30, 31, 32, 33, 34 and 35a-35b in Annexure-A attached to this judgment.
- (h) The appellant's name is also sought to be included in the commission of the actual riots that occurred in North-East Delhi, which allegedly broke-out in execution of a 'common conspiracy'. The State further alleges that as part of the protests in question, the perpetrators used fire arms, petrol bombs, acid, iron rods, swords, knives, stones, sling shots, and chilli-powder etc., to terrorise people and the society at large. To support this submission, the State references the portion of the subject charge-sheet extracted as Screenshot 36, 37a-37c, 38, 39 and 40 in Annexure-A attached to this judgment.
- (i) The prosecution also alleges that the above-mentioned allegations are *substantiated by statements of several witnesses*, including many who have since been declared as

protected witnesses considering their vulnerabilities. It is also the prosecution's contention that *video-recordings relating to the incidents in which the appellant was involved have been seized, which show the appellant's presence.*

### **Basis & Reasoning of the Impugned Order**

11. Considering the nature of the allegations levelled against the appellant, this court also closely examined the basis and the reasoning that informed the decision of the learned Special Court to deny bail to the appellant. We find that, apart from proceeding to accept the allegations contained in the subject charge-sheet *without any analysis or appreciation of the gravamen of the offences alleged*, the following main aspects appear to have weighed with the learned Special Court in rejecting the appellant's bail:

- (a) The learned Special Court records that since under the provisions of section 45 of the UAPA, previous sanction of the Central Government is required before a court takes cognizance of any offence under Chapters IV or VI; and that before the Central Government gives sanction for prosecution, the Central Government itself is required to consider the report of an authority to be appointed by it, which authority is required to make an independent review of the evidence gathered in the course of investigation and make its recommendation to the Central Government as regards grant of sanction. The learned Special Court says that "*In the present case, previous sanction was taken under UAPA and thus, an independent review of the evidence gathered during*

*the investigation has been done by an independent authority after its satisfaction about the evidence”* (extract from para 10 of the impugned order), whereby, it is evident that the learned Special Court is persuaded to think that the purported independent review by an independent authority of the evidence gathered, leading to the grant of sanction for prosecution by the Central Government, almost obviates the need for the court to apply its own mind and consider whether or not any offence is disclosed against an accused under Chapters IV or VI of the UAPA.

- (b) Furthermore, we find that a common thread that runs through the reasoning adopted by the learned Special Court when appreciating the material against the appellant, is that the appellant was a member of *Pinjra Tod*, DPSG, Warriors and *Auraton ka Inquilab* and was ‘*part of a multi-layered conspiracy and in regular touch and reporting to the higher conspirators*’, which makes her actions culpable.
- (c) We may say, without the slightest hesitation, that the learned Special Court’s view that merely because an independent review of the evidence gathered may have been undertaken by an independent authority, which authority may have been satisfied that offences under the UAPA are made-out; and the Central Government may have accorded sanction for prosecution for offences under the UAPA based on such review, *does not in any manner* imply that the court need not apply its own mind to form its own judicial view as to whether

any offence under the UAPA is disclosed in the charge-sheet and the material placed alongwith it. The purported independent review of evidence by the purported independent authority; or the purported satisfaction of such authority, *must never enter the consideration* of the court while making its own assessment as to whether the ingredients of any offence under the UAPA are disclosed in the charge-sheet, not least because the offences engrafted in the UAPA are extremely serious and invite severe punishment.

### **Interpretation of ‘terrorist act’ & related provisions under UAPA**

12. In its contemporaneous judgment 15.06.2021 rendered in “*Asif Iqbal Tanha vs. State*” being CrI.A. No. 39 of 2021, this court has analysed in detail the provisions engrafting ‘terrorist act’ and ‘conspiracy’ or ‘act preparatory’ to the commission of a terrorist act. Without repeating that exercise in the present judgement, it would be sufficient to recapitulate the position of law in that regard, as expatiated by this court in the said judgement.
13. As detailed by this court in *Asif Iqbal Tanha* (supra), the position is that though the phrase ‘terrorist act’ has been given a *very wide and detailed definition* in section 15, in our considered view, the court must be careful in employing the definitional words and phrases used in section 15 in their absolute, literal sense or use them lightly in a manner that would trivialise the extremely heinous offence of ‘terrorist act’, without understanding how terrorism is different even from *conventional, heinous crime*.

14. In *Hitendra Vishnu Thakur & Ors vs. State of Maharashtra & Ors*<sup>1</sup>, the Hon'ble Supreme Court says that the extent and reach of a terrorist activity must travel beyond the effect of an ordinary crime and must not arise merely by causing disturbance of law and order or even public order. The Hon'ble Supreme Court says that the effect of terrorist activity *must be such that it travels beyond the capacity of the ordinary law enforcement agencies to deal with it under the ordinary penal law*. The following words in *Hitendra Vishnu Thakur* (supra) bear careful attention :

*“... ‘terrorism’ is generally an attempt to acquire or maintain power or control by intimidation and causing fear and helplessness in the minds of the people at large or any section thereof and **is a totally abnormal phenomenon** ...”.*

(emphasis supplied)

15. Furthermore, in the same judgment that the Hon'ble Supreme Court says:

*“...it is not the intention of the Legislature that every criminal should be tried under TADA, where the fall out of his activity does not extend beyond the normal frontiers of the ordinary criminal activity. **Every ‘terrorist’ may be a criminal but every criminal cannot be given the label of a ‘terrorist’ only to set in motion the more stringent provisions of TADA** ...”*

(emphasis supplied)

16. The Hon'ble Supreme Court has further explained the concept of terrorism in *People's Union For Civil Liberties & Anr. vs. Union of*

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<sup>1</sup> (1994) 4 SCC 602.

*India*<sup>2</sup> ('PUCL', for short) in which decision, quoting *Mohd. Iqbal M. Shaikh & Ors. vs. State of Maharashtra*<sup>3</sup>, the Hon'ble Supreme Court says:

*"...it may be possible to describe it as use of violence when its **most important result is not merely the physical and mental damage of the victim but the prolonged psychological effect it produces or has the potential of producing on the society as a whole ...**"*

(emphasis supplied)

17. In *PUCL* (supra), the Hon'ble Supreme Court also observes that:

*"... **Terrorist acts are meant to destabilise the nation by challenging its sovereignty and integrity, to raze the constitutional principles that we hold dear, to create a psyche of fear and anarchism among common people, to tear apart the secular fabric, to overthrow democratically elected government, to promote prejudice and bigotry, to demoralise the security forces, to thwart the economic progress and development and so on.** This cannot be equated with a usual law and order problem within a State. On the other hand, **it is inter-State, international or cross-border in character.** Fight against the overt and covert acts of terrorism is not a regular criminal justice endeavour. Rather, it is defence of our nation and its citizens. **It is a challenge to the whole nation and invisible force of Indianness that binds this great nation together ...**"*

(emphasis supplied)

18. More recently, in *Yakub Abdul Razak Memon vs State of Maharashtra through CBI, Bombay*<sup>4</sup>, the Hon'ble Supreme Court refers to acts of terrorism in the following words:

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<sup>2</sup> (2004) 9 SCC 580.

<sup>3</sup> (1998) 4 SCC 494.

<sup>4</sup> (2013) 13 SCC 1.



**“... Acts of terrorism can range from threats to actual assassinations, kidnappings, airline hijackings, bomb scares, car bombs, building explosions, mailing of dangerous materials, computer based attacks and the use of chemical, biological, and nuclear weapons—weapons of mass destruction (WMD)”**

(emphasis supplied)

19. As this court held in *Asif Iqbal Tanha* (supra) therefore, in our view, although the definition of ‘terrorist act’ in section 15 UAPA is wide and even somewhat vague, the definition must partake of the *essential character of terrorism* and the phrase ‘terrorist act’ cannot be permitted to be applied in a cavalier manner to criminal acts or omissions that *fall squarely within the definition of conventional offences* as defined *inter alia* under the IPC. We must not forget the principle laid down by the Constitution Bench of the Hon’ble Supreme Court in *A.K. Roy vs. Union of India and Ors.*<sup>5</sup> where it says that **the requirement that crimes must be defined with an appropriate definitiveness is a fundamental concept of criminal law and must be regarded as a pervading theme of our Constitution** since the decision in *Maneka Gandhi vs. Union of India*<sup>6</sup>; and that the underlying principle is that **every person is entitled to be informed as to what the State commands or permits and the life and liberty of the person cannot be put on peril of an ambiguity.** The Constitution Bench further says that to stand true to this principle, what is expected is that the language of the law must contain adequate warning of the conduct which may fall within the proscribed area **‘when measured**

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<sup>5</sup> (1982) 1 SCC 271.

<sup>6</sup> 1978 (1) SCC 248

by common understanding'. Most importantly, the Constitution Bench says:

*"... These expressions, though they are difficult to define, do not elude a just application to practical situations. The use of language carries with it the inconvenience of the imperfections of language..."*

*"...We must, however, utter a word of caution that since the concepts are not defined, undoubtedly because they are not capable of a precise definition, courts must strive to give to those concepts a narrower construction than what the literal words suggest ..."*

(emphasis supplied)

20. We must also carefully note the words of another Constitution Bench of the Hon'ble Supreme Court in *Sanjay Dutt vs. State through CBI (II)*<sup>7</sup> to the effect that when law visits a person with serious penal consequences, courts must take extra care to ensure that those to whom the legislature did not intend to be covered by the express language of the statute "are not roped in by stretching the law".
21. Our jurisprudence therefore dictates that where a provision of law which contains serious penal consequences is vague or widely worded, such provision must be *construed narrowly* to bring it within the constitutional framework; and most importantly, must be applied in a just and fair way, lest it unjustly sucks within its ambit persons whom the Legislature never intended to punish. Where the court finds that an act or omission is adequately addressed and dealt with by the ordinary penal law of the land, the court must not countenance a State agency 'crying wolf'.

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<sup>7</sup> (1994) 5 SCC 410.

22. Upon a careful consideration of the aforesaid verdicts of the Hon'ble Supreme Court, in our opinion, the intent and purpose of Parliament in enacting the UAPA and in amending it in 2004 and 2008 to bring terrorist activity within its scope, was and could only have been, to deal with matters of profound impact on the 'Defence of India', nothing more and nothing less. Had that not been the case, UAPA could not have been enacted by Parliament since the only entries in List-I of the Seventh Schedule to the Constitution that would bring the statute within the legislative competence of Parliament are Entry 1 read with Entry 93 relating to the Defence of India and offences with respect to the Defence of India. It was not the intent, nor purpose of enacting UAPA that other offences of the usual and ordinary kind, *however grave, egregious or heinous in their nature and extent*, should also be covered by UAPA, since such conventional matters would have fallen within Entry 1 of List-II (State List) and/or Entry 1 of List-III (Concurrent List) of the Seventh Schedule of our Constitution. This is the only possible view that can be taken if we are to lean in favour of constitutionality of the provisions of section 15, 17 and 18 of the UAPA, as we must.

### **Right to Protest**

23. As in *Asif Iqbal Tanha* (supra), since this matter also emanates from protests organised by certain persons against the CAA and the NRC; and since the State alleges that these were not ordinary protests but were of a kind that have shaken, or are 'likely' to have shaken, the entire foundations of our Nation, we must discuss what the law

considers as permissible contours of a protest that would not threaten our Nation.

24. In this context, we are required to examine, as to when the constitutionally guaranteed right to protest flowing from the right under Article 19(1)(b) of the Constitution to “assemble peaceably and without arms”, turns into a cognizable offence under the ordinary penal law; and when the right to protest gets further vitiated and becomes a terrorist act, or a conspiracy or an act preparatory, to commission of a terrorist act under the UAPA.
25. The observations of the Hon’ble Supreme Court in *Mazdoor Kisan Shakti Sangathan vs Union of India and Anr*<sup>8</sup> give the most lucid answer, explaining the contours of legitimate protest. In the said decision, the Hon’ble Supreme Court says that legitimate dissent is a distinguishable feature of any democracy and the *question is not whether the issue raised by the protestors is right or wrong or whether it is justified or unjustified*, since people have the right to express their views; and a particular cause, which in the first instance, may appear to be insignificant or irrelevant may gain momentum and acceptability when it is duly voiced and debated. The Hon’ble Supreme Court further says that a demonstration may take various forms : *it may be noisy, disorderly and even violent*, in which case it would *not* fall within the permissible limits of Article 19(1)(a) or 19(1)(b) and in such case the *Government has the power to regulate, including prohibit*, such protest or demonstration. The Government may even prohibit public meetings, demonstrations or protests on

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<sup>8</sup> (2018) 17 SCC 324.

streets or highways to avoid nuisance or disturbance of traffic *but* the Government cannot close all streets or open areas for public meetings thereby defeating the fundamental right that flows from Article 19(1) (a) and 19(1)(b) of the Constitution.

26. In the present case, we are not deciding if the protests, in organising which the appellant is alleged to have been involved, were within the constitutionally guaranteed right to assembly, or whether they crossed the limit of what is permissible under Article 19(1)(a) and 19(1)(b) and became non-peaceful protests. However, what we find is that, for one there is nothing to say that the Government had prohibited the protest in the first instance. What we know is that offences, if any, that are alleged to have been committed by reason of the protests having been turned non-peaceful, are subject matter of FIR Nos. 48/2020 and 50/2020, in which the appellant is one of the accused *and in which the appellant has been admitted to bail* and will face trial in due course. There is absolutely nothing in the subject charge-sheet, by way of any specific or particularised allegation, that would show the possible commission of a ‘terrorist act’ within the meaning of section 15 UAPA; or an act of ‘raising funds’ to commit a terrorist act under section 17; or an act of ‘conspiracy’ to commit or an ‘act preparatory’ to commit, a terrorist act within the meaning of section 18 UAPA. Accordingly, *prima-facie* we are unable to discern in the subject charge-sheet the **elemental factual ingredients** that are a must to found any of the offences defined under section 15, 17 or 18 UAPA.
27. In our view, the subject charge-sheet and the material filed therewith does not contain any **specific, particularised, factual allegations** that

would make-out the ingredients of the offences under sections 15, 17 or 18 UAPA. As we have observed in *Asif Iqbal Tanha* (supra), alleging extremely grave and serious penal offences under sections 15, 17 and 18 UAPA against people frivolously, would undermine the intent and purpose of the Parliament in enacting a law that is meant to address threats to the very existence of our Nation. Wanton use of serious penal provisions would only trivialise them. Whatever other offence(s) the appellant may or may not have committed, at least on a *prima facie* view, the State has been unable to persuade us that the accusations against the appellant show commission of offences under sections 15, 17 or 18 UAPA.

28. Since, in our opinion, no offence under sections 15, 17 or 18 UAPA is made-out against the appellant on a *prima facie* appreciation of the subject charge-sheet and the material collected and cited by the prosecution, the *additional* conditions, limitations and restrictions on grant of bail under section 43D(5) UAPA do not apply; and the court must therefore apply the usual and ordinary considerations for bail under section 439 Cr.P.C.

### **General Principles of Bail**

29. The general principles of grant or refusal of bail are well settled. Since a detailed discussion of such principles has recently been made by us in our judgment in *Asif Iqbal Tanha* (supra), only a brief reiteration of the principles would suffice in the present case, since both cases arise from the same subject FIR.
30. Though grant of bail involves exercise of discretionary power by the court, as always, the exercise of discretion must be judicious and not

perfunctory or as a matter of course. In granting bail the court must keep in mind not only the *nature of accusations* but also the *severity of the punishment* and the *nature of evidence* in support of the accusations. Apart from being *prima facie* satisfied as regards the charges levelled; the court must also reasonably assess the apprehension of *flight risk*, *evidence tampering* and *witness intimidation*; with careful regard to the *genuineness of the prosecution*. The court must also consider the *character, behaviour, means, position* and *standing* of the accused and the *likelihood of the offence being repeated*.<sup>9</sup>

31. Furthermore, we remind ourselves that the object of bail is *neither punitive nor preventative* but is principally to *secure the presence* of the accused at the trial; and that punishment begins only after conviction and that everyone is deemed to be innocent until duly tried and found guilty. It is well settled that detention in custody pending completion of trial can cause great hardship to an accused; that it is *improper for any court to refuse bail as a mark of disapproval of the past conduct* or *to refuse bail to a person yet to be convicted only to give him a taste of imprisonment as a lesson*. “Necessity” to secure the attendance of an accused at the trial, the Hon’ble Supreme Court has held, is the operative test.<sup>10</sup> It also requires to be understood that though the *larger interest of the public or the State and other similar considerations* are also relevant, there is no hard and fast rule and

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<sup>9</sup> cf. *Ash Mohammad vs Shiv Raj Singh & Anr.*, (2012) 9 SCC 446 : para 8 and 11.

<sup>10</sup> cf. *Sanjay Chandra vs CBI*, (2012) 1 SCC 40 : para 21-23.

each case has to be considered on its own facts, circumstances and merits.<sup>11</sup>

32. Since courts often tend to fall into this error, it is extremely important to bear in mind the words of the Hon'ble Supreme Court that grant of bail cannot be thwarted merely by asserting that an offence is grave, since *the gravity of the offence can only beget the length of the sentence*, which may be awarded upon conclusion of the trial.<sup>12</sup>
33. We must also never forget the profound insight of V.R. Krishna Iyer, J., when he said that the *consequences of pre-trial detention are grave*; that by being kept in custody, an undertrial accused, though presumed innocent, is subjected to psychological and physical deprivations of jail life; that the accused is also prevented from contributing to the preparation of the defence; and that the burden of pre-trial detention frequently falls heavily on the innocent members of the family.<sup>13</sup>

### Discussion & Conclusions

34. In the present case, a closer reading of the allegations made against the appellant shows that no *specific, particularised or definite act* is attributed to the appellant, apart from the admitted fact that she engaged herself in organising anti-CAA and anti-NRC protests around the time when violence and rioting broke-out in the certain parts of North-East Delhi. Infact, on a reading of the portions of the subject charge-sheet to which attention has been drawn by the State and

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<sup>11</sup> cf. *P. Chidambaram vs. CBI*, 2019 SCC OnLine SC 1380 : para 22.

<sup>12</sup> cf. *P. Chidambaram vs. Directorate of Enforcement*, 2019 SCC OnLine SC 1549 : para 12.

<sup>13</sup> cf. *Moti Ram vs. State of M.P.*, (1978) 4 SCC 47 : para 14.



which have been extracted in the screenshots in Annexure- A to this judgment, it is seen that invariably the appellant's name appears alongwith that of several other alleged co-conspirators and even the instructions and directions issued by the main accused persons are not directed towards the appellant. In our reading of the subject charge-sheet and the material included in it, therefore, the allegations made against the appellant are not even borne-out from the material on which they are based. The State cannot thwart grant of bail merely by confusing issues.

35. Allegations relating to inflammatory speeches, organising of *chakka jaam*, instigating women to protest and to stock-pile various articles and other similar allegations, in our view, at worst, are evidence that the appellant participated in organising protests, but we can discern no specific or particularised allegation, much less any material to bear-out the allegation, that the appellant incited violence, what to talk of committing a terrorist act or a conspiracy or act preparatory to the commission of a terrorist act as understood in the UAPA.
36. We are constrained to express, that it seems, that in its anxiety to suppress dissent, in the mind of the State, the line between the constitutionally guaranteed right to protest and terrorist activity seems to be getting somewhat blurred. If this mindset gains traction, it would be a sad day for democracy.
37. In our view therefore, after carefully considering the allegations in charge-sheet dated 16.09.2020 alongwith the material adduced therewith, we are not persuaded to think that *prima-facie* the accusations made against the appellant make-out any offence under

sections 15, 17 and /or 18 of the UAPA; and therefore the stringent conditionalities contained in section 43D(5) of the UAPA would not apply and the appellant's bail plea would need to be considered on the general principles of bail enunciated above.

38. The subject charge-sheet has been filed before the learned Special Court; cognizance of some of the offences has been taken; but charges are yet to be framed. Some 740 prosecution witnesses, including public witnesses, protected witnesses and police witnesses are stated to have been cited in the subject charge-sheet but deposition of the witnesses is yet to commence. Considering the prevailing situation, namely the havoc created by the second wave of the COVID-19 pandemic, it is hardly likely that trial will proceed, much less conclude anytime soon.
39. Moreover, the appellant has already been granted regular bail by the learned ASJ *vidé* order dated 17.09.2020 in FIR No. 50/2020; and by the learned Duty Metropolitan Magistrate *vidé* order dated 24.05.2020 in FIR No. 48/2020, in which (latter) order, the court has in fact recorded that the appellant was only protesting the passage of the CAA and the conducting of the NRC and had not indulged in any violence. There is bound to be some overlap between what the appellant is alleged to have done in the said two other FIRs and in the subject FIR from which this appeal arises, since the offences alleged against the appellant are in the context of the violence and rioting that occurred in the North-East part of Delhi within the span of a few days in February 2020.

40. In our considered opinion, keeping in view the background, profile and position of the appellant, there is no reasonably discernible basis to suspect, nor do we entertain any reasonable apprehension, that the appellant will either flee from justice; or that she will tamper with evidence; or that she will intimidate witnesses or otherwise attempt to frustrate trial. Due notice is also taken of the fact that the appellant was not arrested in the subject FIR for nearly 3 months after the date of its registration.
41. As a sequitur to the foregoing discussion, we are of the view that the appellant is entitled to be enlarged on regular bail. We accordingly set-aside impugned order dated 28.01.2021 made by the learned Special Court in case arising from FIR No. 59/2020 dated 06.03.2020 registered at P.S.: Special Cell, Delhi; and admit the appellant to regular bail until conclusion of trial, subject to the following conditions:
- (a) The appellant shall furnish a personal bond in the sum of Rs. 50,000/- (Rs. Fifty Thousand Only) with 02 *local* sureties in the like amount, to the satisfaction of the learned trial court;
  - (b) The appellant shall furnish to the Investigating Officer/SHO a cellphone number on which the appellant may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
  - (c) The appellant shall *ordinarily* reside at her place of residence as per trial court record and shall inform the Investigating Officer if she changes her usual place of residence;

- (d) If the appellant has a passport, she shall surrender the same to the learned trial court and shall not travel out of the country without prior permission of the learned trial court;
  - (e) The appellant shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The appellant shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.
42. Nothing in this order shall be construed as an expression on the merits of the pending trial.
43. A copy of this order be sent to the concerned Jail Superintendent.
44. The appeal stands disposed of in the above terms.
45. Pending applications, if any, are also disposed of.

**SIDDHARTH MRIDUL, J**

**ANUP JAIRAM BHAMBHANI, J**

**JUNE 15, 2021**  
*ds*

**RELEVANT SCREENSHOTS EXTRACTED  
FROM THE SUBJECT CHARGE-SHEET**

The names and other identifying details of persons other than the appellant and co-accused Devangana Kalita have been redacted by this court.

**Screenshot 1a**

JCC also worked in tandem with the other conspirators for the mobilisation of the crowd, sustaining and providing logistic support to the different protest sites in Delhi raised by DPSG through its constituents namely UAH, JCC, Pinjra Tod and others.

Following members of JCC were representative of JCC in DPSG group:

- 1) [REDACTED] AAJMI & JCC)
- 2) [REDACTED] (UAH, SIO, JCC)
- 3) [REDACTED] Khudai Khidmatgar & JCC)

Following member of Pinjra Tod were representative of Pinjra Tod in DPSG group:

2128

## Screenshot 1b

- 1) Devangna Kalita
- 2) Natasha Narwal

Following members of UAH were representative of UAH in DPSG group:

- 1) [REDACTED] (UAH)
- 2) [REDACTED] (UAH)
- 3) [REDACTED] (UAH)
- 4) [REDACTED] (UAH)

This factum of all these organisations working in tandem under the aegis of DPSG is manifested in the events which unfolded during these protests which includes creation and establishment of permanent 24\*7 sit in protest sites in Muslim majority areas, sustenance of these protest sites, funding of these protest sites, providing logistics to these protest sites and escalation of protests leading to completely blocking the traffic at pre-designated spots on pre-decided roads i.e **Chakka Jaam** and then engineering riots by inciting violence, attack on Police and Public Personnel, damage and destruction of Public and Private properties by use of firearms, arson and by other means.

In pursuance and furtherance of common conspiracy various constituents of DPSG, which includes JCC, UAH, Pinjra Tod and others were successful in creating permanent 24\*7 sit in protest at following places:-

2129

## Screenshot 2

उसकी साथी | █████ का नाम █████ हैं █████ के साथी █████  
█████, █████, Devagana, Natasha █████  
उन्होंने █████ के घर के नीचे -E 1 /13, Seelampur में अपना office  
बना रखा था | उस room XXXX भी गया था सबके साथ | उस room में  
█████ ने बोला █████ से की भाषण से कोई काम नहीं चलेगा, यह  
समझो कि सरकार मुसलमानों के खिलाफ है | खून बहाना पड़ेगा, ऐसे नहीं  
चलेगा | चक्का जाम ही आखरी रास्ता है | हमें सरकार के घुटनों के बल  
लाना ही होगा | संघियों की सरकार इस तरह नहीं मानेगी | फिर वह photo  
खिंचवा कर चला गया उसके कुछ दिन बाद, █████ औरतों से बोलने लगी कि  
अपने साथ lal mirch powder, डंडे और acid bottle लेकर आओ | █████  
कुछ अलग ही code words भी use करती थी | जैसे कि कल ईद है कल  
Nanital जाना है | इसका मतलब होता था कि road block करने चलना है  
और आज चांद रात है मतलब road block की रात है ऐसे code word  
use होते थे जो उन औरतों और लड़कियों को ही पता होते थे उसके बाद  
पता चला कि 22.02.2020 को रात fix की गई █████ ने road block  
करने के लिए █████ ने अलावा Pinjaratod की लड़कियां █████ █████,  
█████ decide किया था मुझे पता चला तो मैंने अपने local लोगों से  
बात की XXXXXXXXXXXXXXXXXXXX से | मैंने उन्हें कहा कि यह ठीक

1434

### Screenshot 3a

होता था । 5 जनवरी को, [REDACTED] अपने साथियों व लोकल औरतो के साथ, Old Central bank, Seelampur, Fruit Market के पास, CAA-NRC के खिलाफ धरने पर बैठी लेकिन उन्हें पुलिस ने हटा दिया । इसके बाद [REDACTED] अपने साथियों के साथ गली गली में घूमकर लोकल ladies को भड़काने का काम करने लगी और CAA कानून के खिलाफ लोगो को डराती थी कहती थी कि अगर तुम्हारे पास कागज नहीं होंगे तो तुम्हें डिटेंशन सेंटर में रखेंगे तुम्हारे बच्चे भी वही बंद रहेंगे । दिनांक 15 जनवरी

1553



### Screenshot 3b

को रात के वक़्त करीब 8 बजे [REDACTED] अपनी टीम के अन्य सदस्य Devgana, Natasha नरवाल जो JNU कि छात्र है व पिंजरा तोड़ युप से भी सम्बंधित है, [REDACTED]

[REDACTED] व 100-150 औरतो के साथ Old Bus Stand (Madina Masjid) Zafrabaad, Delhi पर धरने पर बैठ गई व पुलिस मौके पर आई लेकिन [REDACTED] व वहां बैठी औरतें वहां से नहीं उठी। इस दौरान उन्होंने [REDACTED] के घर E-1/13, Seelampur, Delhi को, secret meetings के लिए ऑफिस बना लिया। इस दौरान, इस आन्दोलन मे जामिया के [REDACTED], [REDACTED] और Pinjra Tod की [REDACTED] Devangna, Natasha, [REDACTED] और [REDACTED] आदि भी उपरोक्त office में कई meetings में शामिल हुए। मैं चाय पानी देने के लिए उस office में आता जाता रहता था। 23/01/20 की रात को मैं वही पर था जहाँ पर देर रात को [REDACTED] भी आये थे जिनके बारे में [REDACTED] ने बताया था कि ये [REDACTED] भाई है जो मुसलमानों के हमदर्द हैं तथा मुझे वहां बैठे लोगों के लिए XXX आदि लाने को कहा था। जब मैं चाय का इंतजाम कराके वहां पहुंचा तो वहां बैठे लोगों से [REDACTED] कह रहे थे कि हमे भारत सरकार को झुकाना होगा तभी वो CAA/NRC वापस लेगी जिसके लिए हमे अभी से तैयारी करनी होगी। इस meeting [REDACTED] ने यह बताया protests के बाद चक्का जाम करना होगा। यह चक्का जाम हमें जहाँ हिन्दुओं की आबादी अधिक हो वहां करना होगा। चक्का जाम के बाद जैसे ही वहां हिन्दू चारों तरफ से घिर जायेंगे तो वहां तुरंत पथराव कर देंगे जिससे दंगे भड़क जायेंगे। [REDACTED] ने [REDACTED] और [REDACTED] को कहा की वो लोगों को acid, कांच की खाली bottles, पत्थर, डंडे, chilly powder, आदि अभी से इकठ्ठा करने

1554

### Screenshot 3c

को कहा ताकि दंगो के समय इस्तेमाल किया जा सके । फिर [REDACTED]  
ने कहा चक्का जाम का टाइम आप लोगों को बता दिया जायेगा । [REDACTED]  
[REDACTED] व [REDACTED] इस काम के लिए तैयार हो गए थे । XXX [REDACTED]

1955

### Screenshot 4

[REDACTED] का मकान E -1-13 जिसे उन्होंने office बना रखा था वही पर  
इनकी मीटिंग हुआ करती थी । 23.1.2020 को [REDACTED] का भाषण  
हुआ । फिर उस office में [REDACTED] दिवांगना,ओर नताशा, [REDACTED]  
को लेकर चली गयी । XXX भी पीछे पीछे उनके गया था । मैंने देखा की  
[REDACTED] नताशा देवांगना [REDACTED] ओर [REDACTED] ओर अन्य लडकिय बेठी हुई  
थी । [REDACTED] कह रहे थे CANRC के खिलाफ भारत सरकार को  
झुकाने के लिए भी हम तैयार है । हमने हथियार इकटठा कर रखा है ।  
जिस पर सब लोग मिलकर बोले हम सब तैयार है । इनके इरादे खतरनाक  
लग रहे थे । ये बात सुनकर XXX डर गया था ओर बाहर निकल आया ।  
दो तीन दिन के बाद [REDACTED] नताशा, दिवांगना, लेडीज से कह रही थी  
की कांच की खाली बोतल, acid, पत्थर, छुरी आदि इकठा करो ।

1956

## Screenshot 5

Two whatsapp groups in the name of "WARRIOR" (created on 26/12/2020) and "AUROTO KA INKLAB" were created by the accused [REDACTED] Devangana Kalita, Natasha Narwal and others were the members of this group. Chats of both the groups were deleted by the accused [REDACTED], Natasha and Devangana Kalita. Chats of Warrior group were recovered from the mobile phone of accused [REDACTED]

In pursuance and furtherance of common conspiracy, in the intervening night of 23-24/1/2020 one of the main conspirators [REDACTED] had visited the Seelampur protest site and held a secret meeting at E-1/13, New Seelampur, Delhi which was attended by [REDACTED] Natasha Narawal, Devangana Kalita, [REDACTED] and other associates. In this meeting [REDACTED] directed that protest should ultimately escalate to riots and should result in spilling of bloods of policemen and others. Further, [REDACTED] told them that this is the only possible means to bring the government of India on its knees and to force the Government to withdraw the CAA/NRC. [REDACTED] had also directed the above said accused persons to induce local women of Seelampur to start stockpiling knives, bottles, acids, stones, chili powder and other dangerous articles to be used in rioting as a part of conspiracy. (**Statements of protected public witnesses Delta, Gama, Echo, Yankee, Smith and Sierra are on record in this regard**). The position of the participants was corroborated by their mobile phone details.

2509

## Screenshot 6

इन्ही निर्देशों के आधार पर 16/17 फरवरी की रात को चाँद बाग protest site पर [REDACTED], [REDACTED] ने एक secret meeting बुलाई जिसको [REDACTED] देवांगना, नताशा, आदि सभी नार्थ ईस्ट protest sites के representatives ने attend किया। XXXXXX गया था पर जब XXXX इस मीटिंग के बारे में मालूम चला तो XXXXX इस meeting में XXXXX । इस meeting में चक्का जाम कर-कर, दिल्ली को रोकने और दंगो की बात की गयी थी इस बात पर सभी सहमत भी थे । XXXX इस बात का विरोध किया पर XXXX को किसी ने नहीं सुना। XXXXX बात XXXXX जोकि DPSG group का मेम्बर भी था को बताया तो XXXXX मेरी बात से सहमत था और हम लोगों ने इस बात को DPSG whatsapp group पर भी जोर-शोर से उठाया।

1518

## Screenshot 7

"15/1/2020 को सीलमपुर पुराना बस स्टैंड पर CAA-NRC का प्रोटेस्ट हुआ था। XXX वहां पहुंचा तो मेरी मुलाकात [REDACTED] से हुई। उसने XXX देवांगना, नताशा, [REDACTED] [REDACTED] [REDACTED] और [REDACTED] से मेरी मुलाकात कराई। उसने बताया कि ये लोग पिंजरा तोड़ से हैं और इस प्रोटेस्ट को चला रहे हैं।

जनवरी के लास्ट वीक में मुझे पता चला कि इन लोगों ने डंडे, पत्थर और लाल मिर्च इकठ्ठा इकठ्ठा करने की शुरुआत करी। और लोगों से बोला कि ये सब इकठ्ठा करें। 15/2/2020 को मुझे पता चला कि रात 2-3 बजे (16/17 फरवरी) में चाँद बाग में एक मीटिंग होने वाली है जिसमें रोड ब्लाक पर बात होनी है। XX उस मीटिंग में पहुंचा। वहां XXXXXX [REDACTED] मौजूद थे। XX उन्हें जानता था। वह 50-100 लोग थे मीटिंग में [REDACTED]

1964

**Screenshot 8a**

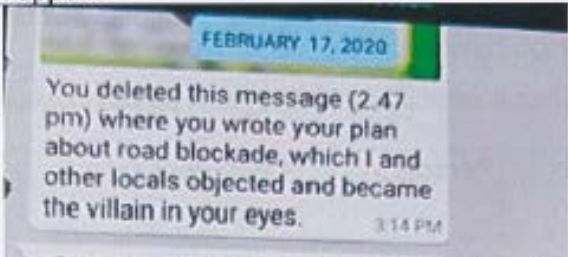
**EXECUTION OF THE CONSPIRACY:**

The visit of U.S President Donald Trump, which was known to the conspirators from 14<sup>th</sup> January 2020, when it was first broken on television media, got formal schedule declared on 11.02.2020. In pursuance and furtherance of common conspiracy, a meeting of protest site leaders of Chand Bagh, Mustafabad, Kardumpuri and Jafrabad was held in the intervening night of **16/17 Feb'20 at 02:00 AM**. In the meeting it was decided and agreed that a coordinated blockade of traffic on roads i.e. Chakka-Jaam would be executed during the visit of President of USA, Donald Trump by the members of all the protest sites of the North-East Delhi. Post Chakka-Jam, all protest site members will adopt violent measures to escalate the protests.

17/02/2020, 02:33 PM	[REDACTED]	Yesterday, we at chandbag tried to organize a meeting of 5 protest site namely 1) Chandbagh 2) Mustafabad 3) Kardumpuri 4) Zafrabad & 5) Sunder Nagri.  We invited only organizers for meeting.  [REDACTED] didn't participated and some uninvited and disturbing elements somehow got aware of meeting time and venue and as a result meeting failed.  Our agenda was how to sustain the on-going protests and how to coordinate between these protest sites as they within 5km radius.
17/02/2020,	[REDACTED]	Some ppl are saying they discussed about 1 protest

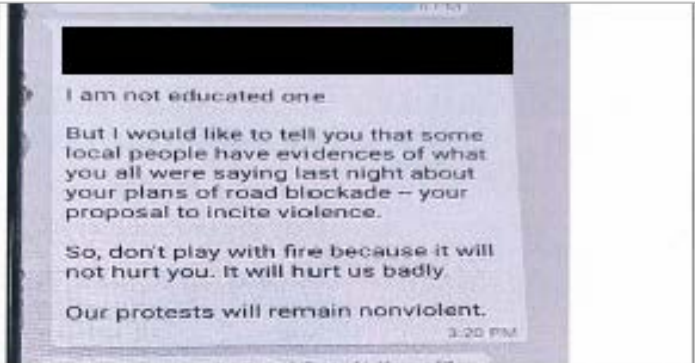
2204

**Screenshot 8b**

02:45 PM	[REDACTED]	instead of 4 and some road block plan
17/02/2020, 02:58 PM	[REDACTED]	Locals from any protest sites are not willing to block the road. Because they are locals and they will suffer.  But some outsiders who claim to facilitate the protests, they are planning to block the roads.  [REDACTED] is saying disturbing elements to some of us who are strongly opposing any road blockade in our trans Yamuna protest sites.  We want nonviolent protests. We can't allow road block plans.
17/02/2020 , 03:06 PM	[REDACTED]	Two people from our organising team said. And you deleted your own message where you mentioned about the road block plan. I was there in my individual capacity. I was not representing any group. You can't distract the issue, please. We don't want violence in our areas. And we will prevent violence at any cost. You may label me with anything. I will not let violence happen.
17/02/2020 , 03:14 PM	[REDACTED]	 <p>The screenshot shows a deleted message with a date stamp 'FEBRUARY 17, 2020'. The text of the deleted message reads: 'You deleted this message (2.47 pm) where you wrote your plan about road blockade, which I and other locals objected and became the villain in your eyes.' The time '3:14 PM' is visible at the bottom right of the screenshot.</p> <p>[REDACTED] pointing out the deleted message of</p>

**2205**

**Screenshot 8c**

17/02/2020 , 03:20 PM	[REDACTED]	
17/02/2020 , 03:34 PM	[REDACTED]	<b>Itnaa samjh lo sirf ki violence nahi karne denge tumhe aur tumhare dosto ko, bhai</b>

In pursuance and furtherance of common conspiracy members of JCC were alerted to start preparations for escalating the 24\*7 sit in protest to higher level by completely blocking the traffic at pre-designated spots on pre-decided roads i.e **Chakka Jaam** and then engineering riots by inciting violence. As JCC is also represented in DPSG, hence they were privy to all the decisions taken by DPSG group members in pursuance and furtherance of common conspiracy.

**2206**



## Screenshot 9

05.01.2020 को | उस दिन [REDACTED] और उसकी friend Deveangana, [REDACTED] ने seelampur में Central bank के पास धरना दिया औरतों के साथ | Natasha, [REDACTED] भी थी fruit market के साथ | [REDACTED] ने औरतों को कहा कि अपने साथ बच्चों को भी लेकर आओ ताकि police कोई action ना ले सके | अगर police action ले लेती है तो बच्चों के होने से हम लोगों को हमदर्दी मिलेगी | police के हटाने के बाद को शाम को औरतों को लेकर हट गई| फिर कुछ दिन candle march, protest human train/ chain बन कर गलियों में करती रही 15.01.2020 को Nadeena Masjid जो old DTC bus stand metro pillar no. 164 seelampur काफी सारी औरतों के साथ रात को 8 बजे धरना दे दिया | police आई | police ने हटने के लिए बोला तो [REDACTED] और सबने मना कर

1433

## Screenshot 10

इसका विरोध करने के लिए उकसाने लगे । हमारे इलाके की ही एक लड़की [REDACTED] जो जाफराबाद की रहने वाली है हमारे area में काफी एक्टिव रही है । वह जाफराबाद/सीलमपुर में local ladies को गलियों में घूम घूमकर उकसाती थी तथा उन्हें धरने में शामिल होने को कहती थी । उसके साथ और भी कई लोग शामिल थे जो की [REDACTED] [REDACTED] कई लड़कियां बाहर से भी आती रही जिनमे [REDACTED] देवांगना नताशा भी थी व और भी कई लोग लड़के लड़किया आते थे । जिनके नाम मुझे [REDACTED] ने बतलाये थे । जनवरी के शुरूआत में, [REDACTED] अपने साथियों व लोकल औरतो को साथ लेकर, Central bank, Seelampur के पास, CAA-NRC के विरोध धरने पर बैठी थी पर उन्हें पुलिस ने उन्हें वहां से हटा दिया था । जनवरी के दूसरे हफ्ते के करीब रात को [REDACTED] अपने साथियों और 100-125 औरतो के साथ XXXXX Old Bus Stand (मदीना मस्जिद) Seelampur, Delhi, धरने पर बैठ गई व पुलिस मौके पर आई लेकिन [REDACTED] व वहां बैठी औरतें वहां से नहीं उठी । इसी दौरान

1560

## Screenshot 11

On dated **05.01.2020** in pursuance and furtherance of the preplanned conspiracy an attempt to start a sit in protest at Fruit Market, Seelampur, Delhi was made by [REDACTED] (Pinjra Tod), Natasha Narwal (Pinjra Tod), Devangana Kalita (Pinra Tod), [REDACTED] and others in the protest against CAA/ NRC. This fact has also been revealed

2497

## Screenshot 12a

जहाँ पर धरना करना चाहती थी, तो वो कर नहीं पाई | इन मैडम से साथ कुछ 4-5 लड़कियाँ देवांगना, [REDACTED] नताशा और [REDACTED] और 4-5 लड़के

1423

## Screenshot 12b

[REDACTED] और 1-2 और लड़के थे | एक दिन अचानक पता चला कि इन्होंने 15/01/20 को seelampur old Bus stop, 66 foota Road पर धरना किया था जिसमे ये सब लोग साथ थे | मैंने ये

1424

### Screenshot 13a

दिनों आया था | Seelampur SHO और हम सबने बड़ा ध्यान रखा, वहाँ पर protest site पर तो ये Block नहीं कर पाई, कुछ code word भी था जैसे ईद पर Nainital जाना है यानि कि Road Block करना है, आज

1425

### Screenshot 13b

चाँद रात है Road Block से पहले वाले दिन की रात और भड़काऊ भाषण भी दिये जैसे कि आंदोलन खून माँगता है | Candle march के बहाने औरतों को तैयार कर लिया | Candle march के बहाने चौहान बांगर, जाफराबाद कि गलियों मे से और जनता colony मे से छुपते छुपाते लगभग 22/02/20 को jaffrabad Metro Station के नीचे road Block कर दिया जैसे ही बात XXXX पता चली, XXXX SHO seelampur को बताया और थाने गया,थाने में हड़कंप मचा हुआ था और पुलिस मौके पर पहुंच गई।

1426

## Screenshot 14

हो | हमने [REDACTED] और उसकी team के लोगों को बहुत समझाया , वह मान नहीं और XXXXX अच्छा नहीं लगा इनके इरादे भी ठीक नहीं लगे 22. 02.2020 को रात में seelam pur protest से औरतों के साथ , गली मोहल्लों में लोगों को इकट्ठा करते हुए CAA और NRC के बारे में भड़काती हुई कि NRC के कागज नहीं दिखाएं तो आपको detention center में डाल दिया जाएगा | ऐसा कहते हुए औरतें इकट्ठा करके Jaffrabad Metro station के नीचे road block कर दिया | मुझे पता चल गया कि यह peaceful या silent protest नहीं होगा क्योंकि वह चक्का जाम कर रहे थे XXXX उस march में नहीं गया Pinjra tod की ये लड़कियां [REDACTED] protest में CAA और NRC के खिलाफ भड़काऊ भाषण देते रहते थे | JCC के लोग इन सब का motive ही यह था कि दिल्ली में दंगे भड़के लोग मरे [REDACTED] का भी यही motive था | 24. 02. 2020 के बाद मैं भी कभी इनको contact नहीं किया | मैं किसी protest में नहीं गया और इन लोगों ने भी मुझे contact नहीं किया| पर इन लोगों ने lock down तक इन लोगों ने Seelampur में protest चलाया पर इन इरादे पता चलने पर मैं कभी protest में नहीं गया |

1435

## Screenshot 15a

chilly powder, आदि इकठ्ठा करने को कह रहे हैं। इस तरह से उन्होंने पूरे इलाके के लोगों को सरकार के खिलाफ भड़काया और कहा कि ये सरकार Muslims के खिलाफ है सिर्फ धरने से काम नहीं चलेगा जब तक कुछ काफ़िर मर नहीं जायेंगे ये हिन्दुओं की सरकार नहीं मानेगी। मैंने देखा 20-21/02/20 को [REDACTED] सबको समझा रही थी कि भारत में अमेरिकी राष्ट्रपति डोनाल्ड ट्रम्प भी भारत यात्रा पर आने वाले हैं इस समय पूरे संसार का ध्यान भारत के उपर है तो ऐसे में अगर Hindu- Muslim दंगे भड़केंगे तो हमारी मांग मान ली जाएगी। [REDACTED] के साथ [REDACTED] और [REDACTED] भी लोगों को समझा रहे थे कि दंगों में बहुत से लोग घायल होंगे और मारे जायेंगे जिससे सरकार झुक जाएगी और CAA/NRC वापस ले लिया

1555

## Screenshot 15b

जायेगा। इसके चलते वो योजना के मुताबिक 22/02/20 को जाफराबाद मेट्रो station के नीचे चक्का जाम करेंगे। 22/23-02/20 की रात को एक JNU का लड़का भी वहां पर आया था जिसके साथ कई लड़के और थे जिसका नाम [REDACTED] ने XXX [REDACTED] बताया था जिसने [REDACTED] को कहा था कि हम हर protest site पर लाशें बिछा देंगे। 23/02/20 को दिन में मैं जाफराबाद मेट्रो station के पास गया तो देखा कि [REDACTED] की टीम के अन्य सदस्य Devangana, [REDACTED] [REDACTED] Natasha, [REDACTED] बहुत औरतो के साथ Zafrabaad Metro Station के नीचे इकट्ठा हैं और उन्होंने मिलकर main road को जाम कर दिया है। उस दिन जो protesters मदीना मस्जिद, seelampur के पास बैठे थे वो भी जाफराबाद मेट्रो station पर आ गए थे तथा वो जाम लगाने वालो में शामिल हो गए थे। कुछ protesters अशरफिया मस्जिद, Kardampuri की ओर से आये थे तथा उन्होंने 66' road पर जाम लगा दिया था। उसी दौरान XXX पता चला कि Wazirabad-Ghaziabad highway, 66 foota road, Seelampur पर कई जगहों पर चक्का जाम कर दिया गया व आवाजाही का रास्ता रोक दिया गया तथा CAA के खिलाफ protest पर बैठे लोगों ने jaam में फर्सें ट्रैफिक पर पथराव किया जिससे दिल्ली में कई जगहों पर हिन्दू मुस्लिम दंगे भड़क गए। [REDACTED] उसके साथियों व Pinjra tod के लोगो का मकसद साजिश के तहत इलाके के माहोल को खराब करके बेवजह लोगो का रास्ता रोककर हिन्दू मुस्लिम दंगे करवाना था। इसके बाद इनकी साजिश के तहत दिल्ली मे हिन्दू मुस्लिम दंगे हो गए और बहुत से लोग मारे भी गए। मैं बहुत डर गया था मुझे इनसे बहुत खतरा लग रहा था। और

1556

## Screenshot 16

मिल जायेगा। इसी के चलते दिनांक 22 फ़रवरी को, [REDACTED] की टीम के अन्य सदस्य Devangana, [REDACTED] [REDACTED] Natasha, [REDACTED] कई औरतों के साथ Zafrabaad Metro Station, पहुंचे व [REDACTED] Bangar, Zafrabaad, Janta Colony की गलियों से घूमते हुए कई बुर्कानर्शी औरतों और लड़कों को इकट्ठा किया और जाफराबाद मेट्रो station पहुँच गयी, और उन्होंने मिलकर main road को जाम कर दिया। उसी दौरान से दिल्ली के और जगहों में चक्का जाम हो गया जिससे लोगों का आवाजाही का रास्ता रूक गया और हिन्दू मुस्लिम दंगे भड़क गए। [REDACTED] Jamia islamia के छात्रों, Pinjra tod के लोगों का मकसद साजिश के तहत इलाके के माहोल को खराब करके बेवजह दिल्ली में चक्काजाम लगाकर हिन्दू मुस्लिम दंगे करवाना था। इसके बाद इनकी साजिश के तहत दिल्ली

1562

## Screenshot 17

हैं। मुझसे ये protest के दौरान ही मिली थी। दिवांगना, नताशा, [REDACTED] और अन्य लड़कियाँ मिलकर सीलमपुर-जाफराबाद में local लेडीज को बाहर निकालने के लिए उकसाते थीं। ये लोग कहती थीं कि अगर आपके कागज नहीं होंगे तो आपको आपके परिवार के साथ डिटेंशन सेंटर में दाल दिया जायगा। 15.1. 2020 को रात को दिवांगना, नताशा [REDACTED] और अन्य लड़कियाँ ने 100-150 औरतों के साथ पुराना बस stand मदीना मस्जिद पर धरना दे दिया था। मोके पर पुलिस

1956



## Screenshot 18a

23.2.2020 को जाफराबाद मेट्रो स्टेशन पर मैंने देखा की [REDACTED]  
नताशा, देवांगना ओर बहुत सी औरतों ने road block कर रखा था ओर  
1956

## Screenshot 18b

कह रही थी की पुलिस वालो को मारो थोड़ी देर बाद पता चला की  
वजीराबाद, गाजियाबाद, सीलमपुर वाली road सब जाम हो गए थे ओर  
आवाजाही ठप हो गयी थी । local लेडीज ने भीड़ में फसे लोगो पर  
पथराव किया । इससे हिन्दू मुस्लिम दंगे शुरु हो गए । उनके खतरनाक  
इरादे पहले से ही माहौल खराब करने के लिए थे । जमनापार में भी हिन्दू  
मुस्लिम दंगे छिड गए ओर बेगुनाह लोग मारे गए । ये बहुत खतरनाक

1957

## Screenshot 19a


➤ Chats from DPSG whatsapp group were retrieved showing that they created a 24x7 protest site at Seelampur.

**Finally, creation of protest site at "Seelampur"**

Date & Time	Sender	Message
15/1/20, 01:34PM	[REDACTED]	[REDACTED] Welcome Natasha from Pinjra Tod to the Delhi Protests Support Group 1:34 PM

2505

## Screenshot 19b

15/1/20, 2:16 PM	[REDACTED] (Natasha Narwal)	 <p>JANUARY 15, 2020 2:16 PM</p> <p><b>APPEAL TO JOIN WOMEN'S MARCH AT SEELAMPUR-JAFFRABAD TODAY EVENING AT 6.30PM</b></p> <p>Women of Seelampur and Jaffrabad have been organising peaceful candle light rallies everyday in their neighbourhoods against CAA-NRC. <b>But everyday the police patrolling and surveillance is increasing in the area as the rallies grow stronger and more women are joining.</b> There were around 500 women in yesterday's march.</p> <p>As we all know that the Police is trying to crackdown on similar protests in other areas. In nearby Shastri Park, protestors were detained yesterday night, including minors.</p> <p>We request you to join the women of Seelampur-Jaffrabad today evening to provide more support.</p> <p>The march starts everyday from Titanic Marriage Hall, Jaffrabad at 6:30 pm. From Seelampur Metro, you can take an e-rick to Ex-Taj Hotel and then ask directions to the starting point. It would be a huge support for the women if more people from other areas also join them.</p> <p><b>PINJRA TOD</b> 2:16 PM</p>
15/1/20, 2:30 PM	[REDACTED]	Natasha, we are spreading the word. Trying to get people to come. Will call you shortly.

2506

### Screenshot 19c

<p>15/1/20, 7:58 PM</p>	<p>[Redacted] (Natasha Narwal)</p>	
<p>16/1/20, 2:48 AM</p>	<p>[Redacted] (Natasha Narwal)</p>	<p>SOS: The Police force is steadily increasing in Seelampur. Nothing has happened yet but there is a chance of crackdown. Please be ready in case people are needed.</p>
<p>16/1/20, 3:12 AM</p>	<p>[Redacted] (Natasha Narwal)</p>	<p>But everything is control till now.</p>
<p>16/1/20, 11:37 AM</p>	<p>[Redacted] (Natasha Narwal)</p>	<p><b>*WOMEN OF SEELAMPUR JAFFRABAD HAVE BEGAN THEIR INDEFINITE SIT-IN!*</b> On the 15th of January the women began their an all night sit-in! 3 rallies and a one day long dharna</p>
<p>2507</p>		

## Screenshot 19d

		<p>had also taken place through the past weeks which has now led to the massive women's gathering at Seelampur- Jaffrabad D road against CAA-NPR-NRC. As the women's gathering continues we <b>*CALL FOR VOLUNTEERS*</b> to help in the coordination and organizing of the Sit-In Dharna. We also give <b>*shout out to Artists and Performers to join us at Seelampur*</b></p> <p>Reach out to us at: (names and numbers)</p> <p><b>PLEASE JOIN US IN LARGE NUMBERS.</b> The location is 5min walking distance from Seelampur metro station on the Jaffrabad Main Road.</p> <p><b>Auraton ke naaro seh inquilab ayega!</b></p> <p><b>Savitri-Fatima tere sapno Ko manzil tak pohchayenge!</b></p> <p><b>*#pinjratod*</b></p>
<p>17/1/20, 05:22 PM</p>	<p>[REDACTED] (Natasha Narwal)</p> <p>[REDACTED]</p>	<p><b>*SEELAMPUR KI AURATON KA INQUILAB JARI HAI*</b></p> <p>As the resistance against CAA-NPR-NRC gains strength in Seelampur-Jaffrabad, thousand's of women have been joining the protests and continuous sit-in Dharna.</p> <p>Tonight we have. Comrade [REDACTED] and the [REDACTED] joining us at the protest site.</p> <p>Join us at Seelampur-Jaffrabad (it's a five minutes walking distance from Seelampur metro station on the red ride)</p> <p><b>*Collective, Organise and Join the Resistance against the Fascist Regime.*</b></p> <p><b>*Inquilab Zindabad*</b></p> <p><b>*#PINJRATOD*</b></p>

2508

## Screenshot 20

23/02/20, 10:57 PM	[REDACTED]	<p>FEBRUARY 23, 2020</p> <p>[REDACTED]</p> <p>Sea of humanity at Jaffrabad metro station.</p> <p>The impression I have got from various posts on this group, is that in Jaffrabad it has been basically Pinjra Tod that has been propelling people to get on the road despite locals not being in agreement. Who are these people? Are they locals or mobilised from outside. Is this how influential Pinjra Tod is in the area? - that people, without using their own agency are following them in such large numbers? Curious.</p> <p>10:57 PM</p>
23/02/20, 10:58 PM	[REDACTED]	<p>[REDACTED]</p> <p>All locals on the road. Energy is high and building up right now.</p> <p>10:58 PM</p>
24/02/20, 00:10 AM	[REDACTED]	<p>[REDACTED]</p> <p>Aag lugwane ki pori tyari hy</p> <p>Y kaun log hain jinho n peaceful</p> <p>FEBRUARY 24, 2020</p> <p>Aag lugwane</p> <p>Y kaun log hain jinho n peaceful protest m chakka jam ka Nara diya</p> <p>12:10 AM</p>

2544

## Screenshot 21

| मेरे संज्ञान में आया कि [REDACTED] कुछ Road Block करने का औरतों से जिक्र कर रही है | ये बात हमने सीलमपुर एसएचओ को बताइ कि वो औरतों से कह रही है कि लाल मिर्च पाउडर, डंडे और बोटलें वगैरह के द्वारा हम पुलिस का सामना करेंगे और Road Block करेंगे | NRC और CAA को लेकर उन्हें अपनी तरफ ले लेंगे |XXXXX और हम लोगों ने | कुछ

1425

## Screenshot 22

खिंचवा कर चला गया उसके कुछ दिन बाद, [REDACTED] औरतों से बोलने लगी कि अपने साथ lal mirch powder, डंडे और acid bottle लेकर आओ| [REDACTED] कुछ अलग ही code words भी use करती थी | जैसे कि कल ईद है कल Nanital जाना है | इसका मतलब होता था कि road block करने चलना है और आज चांद रात है मतलब road block की रात है ऐसे code word use होते थे जो उन औरतों और लड़कियों को ही पता होते थे उसके बाद पता चला कि 22.02.2020 को रात fix की गई [REDACTED] ने road block करने के लिए [REDACTED] ने अलावा Pinjaratod की लड़कियां [REDACTED], [REDACTED], [REDACTED] decide किया था मुझे पता चला तो मैंने अपने local लोगों से बात की XXXXXXXXXXXXXXXXXXXX से | मैंने उन्हें कहा कि यह ठीक

1434

## Screenshot 23

■■■■ आये थे; पिंजरा तोड़ की लड़कियों ■■■■, नताशा, देवांगना, ■■■■, ■■■■, व 4/5 लड़के जिनमें ■■■■ व अन्य शामिल थे ने ■■■■ के कहने पर पहले फ्रूट मार्किट, सीलमपुर में प्रोटेस्ट शुरू किया उसके बाद प्रोटेस्ट को अखाड़े वाली गली फिर मदीना मस्जिद, 66 फूटा रोड, सीलमपुर और 22 फरवरी को जाफराबाद मेट्रो स्टेशन ले गए । इन चारों जगह प्रोटेस्ट को ■■■■, ■■■■ व ■■■■ चला रहे थे और ■■■■ इन sites को डायरेक्ट supervise भी करते थे और पिंजरा तोड़ की लड़कियां उन्हें ही रिपोर्ट करती थी Jama Masjid, गेट

1516

## Screenshot 24

इसी दौरान XXXXX चला की ■■■■, नताशा, देवांगना और Pinjara Tod के अन्य सदस्य 26 जनवरी से घूम-घूम कर औरतो को पत्थर, कटीले तारों वाले डंडे, खाली बोतलें, एसिड की बोतले, लोहे की रोड, लाल मिर्च पाउडर, इत्यादि जमा करने के लिए कह रही है । XXXXX ■■■■ को

1517



## Screenshot 25

डिलीट क्यों की । मैंने ग्रुप पर यह भी लिखा की अगर प्रोटेस्ट पीसफुल है तो नताशा व उसके साथी chilli powder क्यों बाँट रहे हैं इस पर [REDACTED] ने XXXX whatsapp कॉल करकर धमकी दी की XXXX ग्रुप पर फालतू बातें न करूँ । जब XXXXX बात किसी ने नहीं सुनी और 24

1519

## Screenshot 26

मुंह तो नहीं खोला, कौम से गद्दारी मत करना वरना बचेगा नहीं । जब उन्हें यकीन हो गया कि XXXXX तब एक दिन मुझे [REDACTED] ने बताया था कि [REDACTED], [REDACTED] और वो अपनी टीम के साथ जाफराबाद, सीलमपुर की गलियों में कैंडल मार्च की आड़ में घर घर जाकर meeting में हुई साजिश के अनुसार लोगों को acid, कांच की खाली bottles, पत्थर, डंडे, chilly powder, आदि इकठ्ठा करने को कह रहे हैं । इस तरह से उन्होंने

1555

## Screenshot 27

देवांगना, नताशा, [REDACTED], [REDACTED], [REDACTED], [REDACTED] वगैरह मौजूद थे। [REDACTED] ने इस मीटिंग में कहा था कि हम North-East दिल्ली कि प्रोटेस्ट साइट्स पर चक्का जाम करेंगे। अब चुचाप बैठकर कुछ नहीं होगा। North-East Delhi की सभी प्रोटेस्ट साइट्स के लोग सिवाय सुंदर नगरी के मौजूद थे। जब XXXXXXXXX ने विरोध किया तो उनकी तरफ से हमें नकारात्मक व्यवहार देखने को मिला। बोला आप इस मीटिंग में क्यों आये हैं। अगर हमारा साथ नहीं देना तो आपको इस मीटिंग में नहीं आना चाहिए। ये कहकर मीटिंग समाप्त कर दी गई की लोग जिनका किसी प्रोटेस्ट साइट्स से कोई ताल्लुक नहीं है वो मीटिंग में ना आये। दंगे में डंडे पत्थर के अलावा तेज़ाब इकठ्ठा करने के लिए भी लोगों से बोला गया था। मीटिंग जो चाँद बाग़ में हुई थी उसमे [REDACTED] भी मिला था। [REDACTED] टीम खादिम का मेम्बर है और कर्दमपुरी साईट देख रहा था।”

1965

## Screenshot 28

23/02/20, 00:18 AM	[REDACTED]	<p>[REDACTED]</p> <p>I request all of you who have doubts, please come here and see for yourself. Thousands of women are ...</p> <p>Why had you distributed the packets of Red Mirchi power to women for attacking Police and Paramilitary? <span style="float: right;">12:18 AM</span></p> <p>What are you doing with us.</p>
23/02/20, 00:20 AM	[REDACTED]	<p>What are you doing with us. My mother, my sister, aunts, cousins and niece go every day at Seelampur protest site.</p>
23/02/20, 00:58 AM	[REDACTED]	<p>You can't put our lives in danger. Please speak to locals.</p>

2531

## Screenshot 29a

ये दंगे [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] आदि ने planned conspiracy के तहत करवाए है । इसके लिए पहले प्रोटेस्ट sites create की गयी, भीड़ इकठ्ठा की गयी, दंगे के लिए हथियार इकठ्ठा करवाए गए और 22 फरबरी की रात को मदीना मस्जिद सीलमपुर प्रोटेस्ट साईट से पिंजरा तोड़ की लड़कियां [REDACTED], नताशा, देवांगना आदि औरतों की भीड़ को उकसाकर जाफराबाद मेट्रो स्टेशन पर

1519

## Screenshot 29b

बीच सड़क पर ले आई और वहां पर बैठ गयीं जहाँ से सभी आने जाने वालों का रास्ता block हो गया।

1520

## Screenshot 30

नार्थ ईस्ट की बाकी प्रोटेस्ट साईट के representatives ने जाफराबाद मेट्रो स्टेशन जाम को विजिट किया और अगले दिन करदमपुरी पुलिया प्रोटेस्ट साईट भीड़ ने 66 फूटा रोड ब्लाक कर दिया, इसी तरह से चाँद बाग मजार प्रोटेस्ट साईट के लोगों ने main वजीराबाद हाईवे जाम कर दिया, फरुकिया मस्जिद ब्रजपुरी पुलिया प्रोटेस्ट साईट वालों ने अपनी साईट से 1 km दूर ब्रजपुरी T Point जाम कर दिया, इस वजह से सीलमपुर से लेकर वजीराबाद तक और Ghaziabad लोनी का main हाईवे जाम हो गया । इसके अलावा आलिया मस्जिद Khureji प्रोटेस्ट साईट के लोगों ने main रोड जाम कर दिया ये सब लोग जाम करने के लिए मुस्लिम majority एरिया से निकलकर, मिक्स population वाले एरिया में चले गए जहाँ पर दीगर community के लोग सड़कों पर फँस गए । इस तरह इन लोगों ने सुनोजियत साजिश के तहत सड़कों पर लोगों को ट्रैप करकर उन पर व कुछ जगह जहाँ पर Pro CAA Protesters बैठे थे, उन लोगों पर पथराव शुरू करा दिया जिससे दंगे शुरू हो सकें और इन लोगों कि यह साजिश कामयाब रही और दंगे शुरू हो गए । इन लोगों ने जानबूझकर सीलमपुर रोड जाम किया था क्योंकि इन्हें पता था कि इस रोड को जाम करने पर दंगे होते ही होते हैं । यहाँ पर रोड जाम के कारण 1992, 2006 व 2019 में भी दंगे हुए थे ।

1520



### Screenshot 32

23/02/20, 01:40 PM	[REDACTED]	I agree with you, Sir. We tried our best, but received only slander and false accusations. We are in great trouble as BJP's Kapil Mishra has announced counter rally in front of our Jafrabad area in Seelampur.
23/02/20, 01:49 PM	[REDACTED]	<p>URGENT: MOBILISATION NEEDED AT Chand bagh* SOS Call WOMEN OF Chand bagh HAVE BLOCKED THE MAIN ROAD Oposite bhajanpura wazirabad GT road. POLICE HAS ALSO ARRIVED AND RAF IS ABOUT TO COME *Please gather there in large numbers to support the women out for a successful Bharat Bandh . Please spread the message and reach there in large numbers!</p>

2537

### Screenshot 33

23/02/20, 05:48 PM	[REDACTED] (SwA)	Jafrabad is fine as of now. Moujpur pro caa people started pathrav. Just had a conversation with locals.
23/02/20, 05:52 PM	[REDACTED]	I live here, situation is under control but not normal. Please don't make us commodity for your activist entertainment. Please.
23/02/20, 05:53 PM	[REDACTED]	<p>Jafrabad, Chouhan Bangar, Brahampuri ki galiyon me hangama hai.</p>

2540

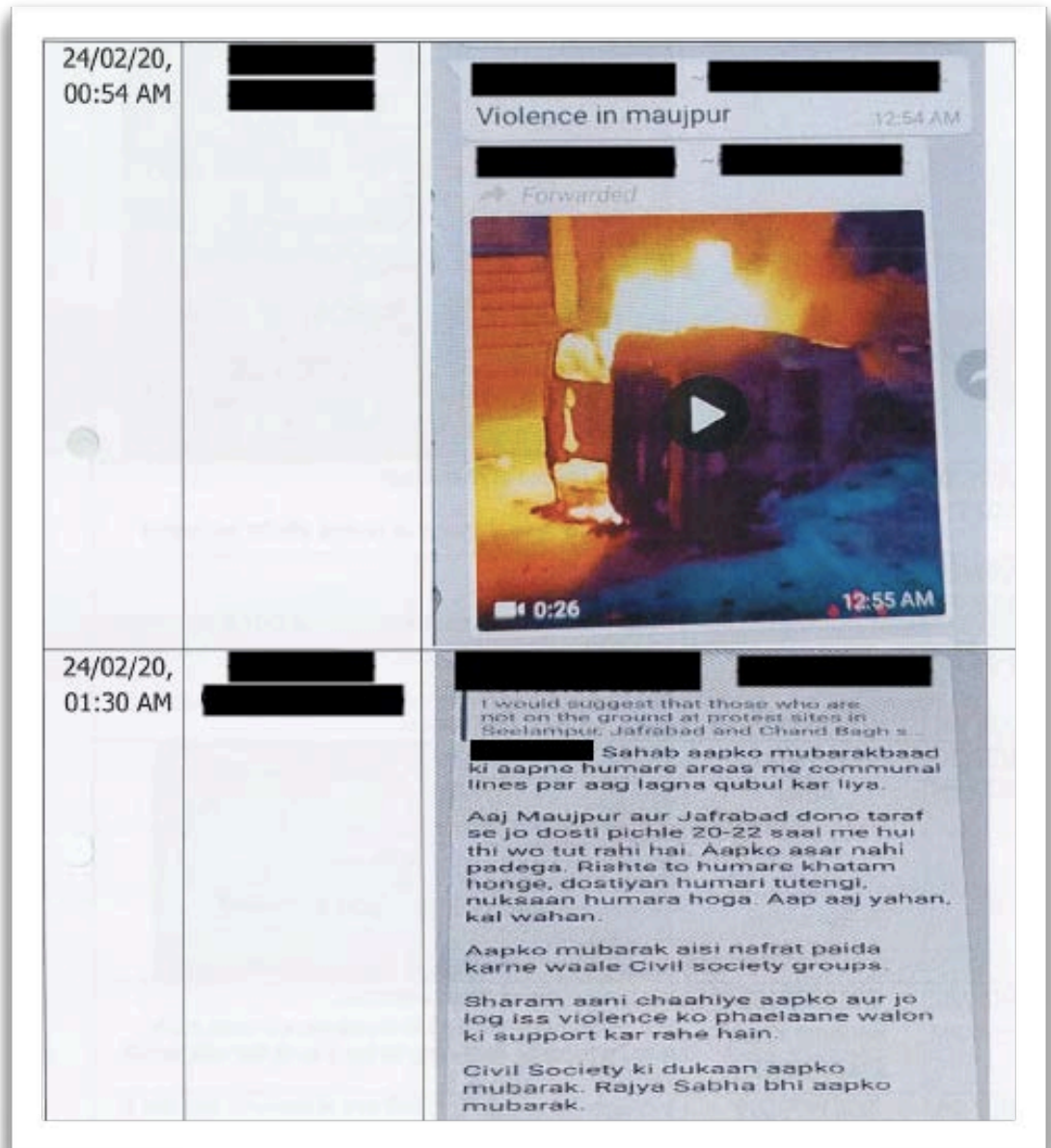
### Screenshot 34

<p>23/02/20, 07:26 PM</p>	<p>[REDACTED] [REDACTED] (NIMN)</p>	<p>[REDACTED] [REDACTED] [REDACTED] URGENT MEDICAL AID REQUIRED AT HAUZ RANI Many women lying fainted here even th... Forwarded to people in Khirki. 7:32 PM</p>
<p>23/02/20, 10:43 PM</p>	<p>[REDACTED] [REDACTED] (KeM)</p>	<p>Sea of humanity at Jaffrabad metro station. 10:43 PM</p>
<p>23/02/20, 10:48 PM</p>	<p>[REDACTED] Natasha Narwal (PJT)</p>	<p>[REDACTED] Yeah.. atleast 3-4 thousand people here 10:48 PM</p>
<p>23/02/20, 10:57 PM</p>	<p>[REDACTED] [REDACTED] (KeM)</p>	<p>[REDACTED] [REDACTED] Crowds are continuing to join Jaffrabad protest site from both side. This is 500 meter away from the pro-CAA crowd of about 1-200 people in Maujpur. Large contingent of RAF and police standing by. 10:57 PM</p>

2543

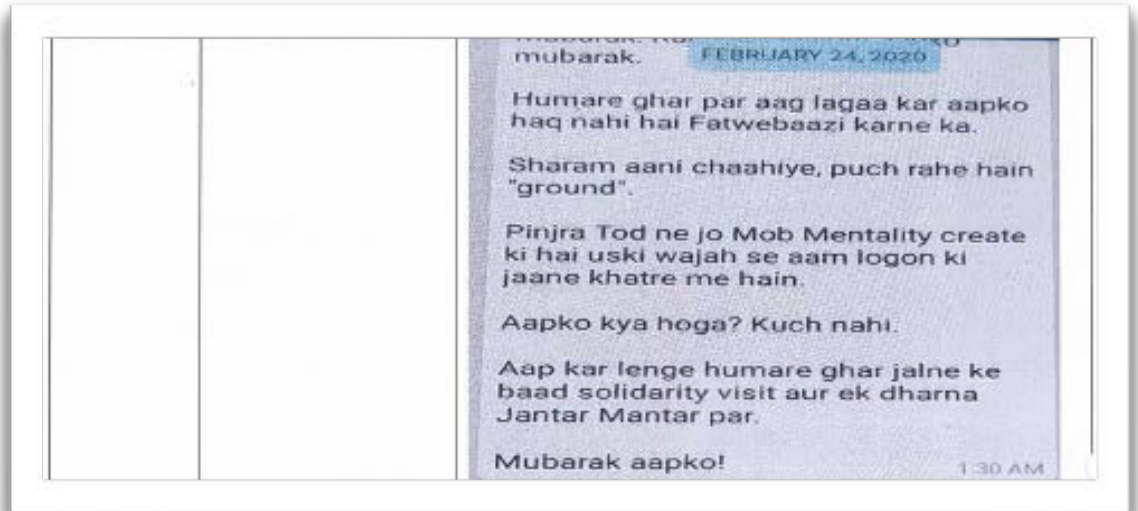


### Screenshot 35a



2545

## Screenshot 35b



2546

## Screenshot 36

██████████ अपने साथियों ██████████, ██████████ व ██████████ के साथ मेरे पास आये उन्होंने कहा कि हमे XXXXX कि जरूरत है क्योंकि हम सारी बातें खुले में या स्टेज से नहीं कह सकते। उन्हें कोई आगे की planning के लिए खुफिया जगह की जरूरत थी जहाँ उनके बैठने का किसी को पता न चले। XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX CAA/NRC के बारे में इनकी बताई बातों से बहुत डरा हुआ था। इसके बाद इन लोगों ने XXXXXX बना लिया तथा यहाँ पर ██████████ ██████████ भी आने लगे। इनके साथ ही ██████████, Devangna, ██████████, नताशा नरवाल, ██████████ कौर जिनके बारे में मुझे पता लगा की किसी पिंजरा तोड़ नाम की पार्टी से है भी वहाँ आकर बैठने लगे। इसके अलावा आम आदमी पार्टी का नेता ██████████ जो है, कांग्रेस पार्टी का नेता ██████████ भी इसी office में कई meetings में शामिल हुए। इन मीटिंग्स में भीड़ ज्यादा कैसे इकठा हो, देश विरोधी नारे और भीड़ को कैसे हिंसक बनाया जाय इस पर चर्चा होती थी। कैसे तमाम सड़को को जाम किया जाये जिस से दूसरी community के लोग परेशां हो जाएँ और कुछ हरकत करें जो दंगो को भड़काने के काम आयेगी। XX ██████████ को समझाया कि इस तरह की हिंसक बातें ना करे जिस से सब बरबाद हो जाए। लेकिन वह नहीं मानी और उस वक़्त मुझे लगा की ██████████ व उसके साथियों के इरादे बहुत ही जहीरोले तौर पर खतरनाक, देश विरोधी व गैर क़ानूनी है। इसी दौरान ██████████, ██████████ जामिया के और लोगों के साथ भी इलाके में आया था और XXXXXXXXXXXX भी आया था जहाँ ██████████ और उसके सभी साथी भी मौजूद थे। वह भी कमरे में इन सबके साथ बड़ी ज़हरीली बातें कर रहा था की इसमें जामिया वाले बड़े लोग भी इनके साथ है और अगर दंगे होते है

1561

## Screenshot 37a

### **12. Execution of common conspiracy.**

In pursuance and furtherance of common conspiracy, in the night of 22<sup>nd</sup> Feb'20, key executors of the conspiracy, under the garb of women led protests at 24\*7 sit in protest site near Madina Masjid Seelampur, moved and occupied 66 foota road at Jafrabad Metro Station completely blocking the traffic i.e. Chakka Jaam. Subsequently in pursuance and furtherance of common conspiracy, on 23<sup>rd</sup> Feb 2020, the conspirators from other protest sites in North East and other parts of Delhi moved from the protest sites to pre decided points on the important roads and blocked or attempted to block the traffic completely i.e. Chakka Jaams. These blockade points were so chosen that a co-ordinated simultaneous blockade of traffic would lead to a complete paralysis of traffic in a large part of city. The intent was not to create traffic chaos but to ensure communal skirmish as is evident from movement from predominantly minority clusters where 24\*7 sit-in dharna were being held to areas of mixed population for causing the Chakka Jam. In pursuance & furtherance of common conspiracy the Chakka Jaam were to be followed up by the engineered riots involving attack on Police personnels and attack on non-muslim population and damage and destruction of Govt property and public property by arson, vandalizing and other means. Thus in pursuance and furtherance of common conspiracy the protestors from other protest sites of North-East Delhi in the intervening night of 22/23<sup>rd</sup> Feb 2020 visited the site of Chakka Jaam at Jafrabad Metro Station so as to learn the modus operandi of Chakka Jaam from a live Chakka Jaam spot and to assess the response and response mechanism of police. From 23<sup>rd</sup> Feb 2020 the conspirators from various protest sites, in a coordinated manner moved from these protest sites and completely blocked the traffic at pre-designated spots on main roads. The event unfolded as under:

1. Protestors from the Chand Bagh Mazar protest site, moved and occupied the main road near Mazar and enacted Chakka Jaam on Wazirabad-Ghaziabad road.

2521

## Screenshot 37b

2. Protestors from protest site at Farukhiya Masjid-Brijpuri pulliya, moved and enacted Chakka Jaam at Brijpuri T-Point on Wazirabad-Ghaziabad Road.
3. Protestors from protest site near Ashrafi masjid Kardampuri Pulliya moved and blocked the traffic at T Point of 66 foota road.
4. Protestors from Khureji protest site near Badi Masjid Khureji moved and blocked the main Patparganj road and similarly and simultaneously protestors from all other protest sites in North East Delhi and Shahdara acted like wise and completely blocked the traffic on 66 foota road, Wazirabad-Ghaziabad road and other important roads of North East Delhi, Shahdara & East Delhi.
5. Protestors from protest site at Jameela Masjid Ahle Hadees, Hauz Rani, Malviya Nagar moved and blocked the Press Enclave Road Saket.

As elaborated in the following paragraph, the conspirators, in pursuance and furtherance of common conspiracy post Chakka Jaam, executed attacks on police personnels and non-muslims and caused extensive damage to Govt. property and private property by arson, vandalizing and other means in these so engineered Riots. Fire-arms, petrol bombs, acid attacks, sharp-edged weapons, Iron rods, sticks, stone-pelting through pre-fabricated very large sized sling shots and by other means were used for attacking and killing police personnel, Govt. employees and public personnel. Petrol pump was set ablaze in an attempt to cause a very large scale explosion and which could have resulted in deaths on a very large scale and to create terror. Access to essential services such as hospitals, medical stores, DMRC and other public transport, school, colleges, universities were paralyzed. Board examinations were postponed. General public was deprived of essential supplies.

2522

### Screenshot 37c

Two very important events where Pinjra Tod had assumed direct responsibility in the execution of the carnage are as under:

- The secret meeting at Chand Bagh in the intervening night of 16/17 Feb'20, which later became the genesis of several heinous and brutal murders including the murder of [REDACTED], [REDACTED] and IB staffer [REDACTED] had three core members of Pinjra Tod amongst the select participants.
- It was Natasha Narwal, Devangana Kalita and [REDACTED] of Pinjra Tod who had received approximately 300 women protestors who had come along with [REDACTED] on the directions of [REDACTED] and [REDACTED] in the afternoon hours of 23<sup>rd</sup> Feb'2020. It was this group of women from Jahangir Puri who had precipitated the first organized violence of the riots.

It is also corroborated by the statement of witnesses' u/s 164 Cr.P.C. of protected witness.

22/02/20 07:28 PM	[REDACTED]	<p>[REDACTED] [REDACTED]</p> <p><b>If something wrong happens, you will be responsible, [REDACTED]</b></p> <p><b>You all are putting life of locals in danger.</b></p> <p><b>Your wild entertainment for easy publicity will cost us heavily.</b> 7:28 PM</p>
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### Screenshot 38

22/02/20, 11:14 PM	[REDACTED] [REDACTED]	[REDACTED] [REDACTED] Any violence at seelampur? 11:14 PM
22/02/20, 11:15 PM	[REDACTED] [REDACTED] (SwA)	Reaching in 20 mins Will update
22/02/20, 11:16 PM	[REDACTED] Devangana (PJT)	No violence Police in riot gear increasing.
22/02/20, 11:17 PM	[REDACTED] Natasha Narwal (PiT)	Women are sitting peacefully

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### Screenshot 39

22/02/20, 11:47 PM	[REDACTED] [REDACTED]	[REDACTED] [REDACTED] Pinjra Tod said: "Kafan bandh ke aaye hain." "Aur jo humare sath nahi Desh ka Gaddar hai." When local women protesters requested them to not block the road. 11:47 PM
22/02/20, 11:48 PM	[REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED] Pinjra Tod said: "Kafan bandh ke aaye hain..." These sort of slogans ? What's the difference between you and fascist? 11:48 PM

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**Screenshot 40**

<p>23/02/20, 05:04 PM</p>	<p>[REDACTED] [REDACTED]</p>	<p>Ye hindustan ki ldayi se musalmano ki ladayi kyu banti jaa rhi he as more and more sit emerging from Muslim areas only</p> <p style="text-align: right;">5:04 PM</p>
<p>23/02/20, 05:10 PM</p>	<p>[REDACTED] [REDACTED] (NIMN)</p>	<p>[REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>Naa to Turkman Gate ka koi impact dikh rha he na lal kuan ka</p> <p>Sufiyan, it is precisely because of a lack of perceptible impact of the sit ins that people will try new strategies. Blocking roads will be the obvious first strategy. There is a certain desperation to being heard and acknowledged.</p> <p>The next phase of this movement will be confrontational and we will have to wait and see the outcomes.</p> <p style="text-align: right;">5:10 PM</p>
<p>23/02/20, 05:17 PM</p> <p>05:18 PM</p> <p>05:19 PM</p>	<p>[REDACTED] [REDACTED] (AIDWA)</p>	<p>08 FEBRUARY 23, 2020 5:14 PM</p> <p>[REDACTED] [REDACTED]</p> <p><a href="https://twitter.com/ANI/status/1231541566247825409?s=08">https://twitter.com/ANI/status/1231541566247825409?s=08</a></p> <p>Y adventureism behad khatarnak situation ki taraf jaa raha hy, dharno k protesters ko soochna chaheeye</p> <p style="text-align: right;">5:17 PM</p> <p>Chakka jam ka nara kiyun diya gya hy,</p> <p style="text-align: right;">5:18 PM</p> <p>Y kaun log hain jo musalmano aur police k beech confrotation chah rahy hain</p> <p style="text-align: right;">5:19 PM</p>

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