

SC 1/2025
STATE Vs. SURAJ SINGH
FIR No. 436/2024
PS Sarai Rohilla

10.09.2025

Present : Sh. Balbir Singh, Ld. Addl. PP for State.
Accused on Court bail with Ld. counsel Sh. Sujeet Sharma.

Heard on the point of charge and perused the record.

Ld. counsel for accused submitted that there is no such intention of accused to cause any injury with intention to cause death. Accused has just gone there to work and due to sudden fight, he picked up whatever came in his hand and tried to defend himself in which other party sustained injury. Prima faice offence under Section 109(1) BNS is not made out and at most it is a case causing hurt and prayed that accused be discharged under Section 109(1) BNS.

Ld. Addl. PP submitted that allegations are clear that accused went there to demand money, which he had lent to the complainant and when the complainant told him that he is not having money, he threatened him to kill if he did not pay money, therefore, he lifted the scissor lying there and attacked on his neck. As victim tried to evade blow it landed near his left ear. The MLC clearly shows that there is injury of 8cm x 2cm x 7cm near his ear. It is prayed that keeping in all these, it is clear that accused had intention to kill the victim, which is evident from the fact that he hit scissor near the ear. It is prayed that prima facie offence under Section 109(1) BNS is made out against the accused and he be charged for the said offence.

After hearing the arguments and going through the record, I am of the opinion that there are clear allegations that accused after lifting scissor, which was lying nearby, tried to hit on the neck of the complainant, who tried to evade the blow and it landed near his ear. At the stage of framing of charge, evidence is not to be weighed in minute scale to find out whether trial will culminate into acquittal or conviction but to find out if there is strong presumption against the accused about his involvement in the commission of offence. Here in this case, the identity is not disputed. Other facts are also not disputed. Allegations are clear that accused in order to kill him hit with scissor on the neck of the complainant. Hence, prima facie offence under Section 109(1) BNS is made out against the accused. Accordingly, charge for the said offence is framed against the accused, to which he pleaded not guilty and claimed trial.

Not to come up for PE on **10.10.2025, 11.10.2025, 12.10.2025 and 13.10.2025.**

Witnesses cited at Sl. No. 1, 2 & 7 be summoned for **10.10.2025.**

Witnesses cited at Sl. No. 3, 4 & 5 be summoned for **11.10.2025.**

Witnesses cited at Sl. No. 6, 8, 9 & 10 be summoned for **12.10.2025.**

Doctor witnesses and remaining witnesses be summoned for **13.10.2025.**

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IO and MHC(M) alongwith case property be
summoned on all the dates.

(Virender Kumar Bansal)
Principal District & Sessions Judge (Central)
Delhi/10.09.2025_(ak)