

SC 137/2025
STATE Vs. SAJID AND ORS.
FIR No. 179/2021
(Seelam Pur)

03.06.2026

Present: Sh. Abhishek Pandey, Ld. Addl. PP for the state.
All the accused in person except Sameer, Anas and Danish.
Ld. Counsel for all the accused.

An exemption application has been filed on behalf of accused Sameer, Anas and Danish. Same is allowed only for today.

Order on charge

1. The case of prosecution in brief is that on 27.05.2021, IO Khagnesh had received DD No. 34. A about quarrel by some persons at *Kude Khatta*. The information was marked to SI Neeraj vide DD No. 41A and whereafter he alongwith ASI Devraj went to the place of incident. As per the complaint of ASI Devraj, 10-15 public persons had collected at gate of K Block Kuda Khatta without wearing mask and during the period of prevalence of COVID-19, they did not comply the guidelines of the epidemic of COVID-19 and when they were warned about taking action and issuing challan to them, the public persons went berserked and started agitating.

2. ASI Devraj asked the QRT Driver Deepak to call other police staff to control the mob. The guidelines of the lockdown and Covid-19 were already under prevalence and to ensure their compliance, the police staff was called at.

3. The mob collected there did not follow the lawful directions of police personnel. The mob became agitated. In the mob, accused persons attacked on the police staff. The police staff gave the lawful directions to disperse the assembly collected there. In the meanwhile, accused Zaheer alongwith other accused persons collected there and surrounded ASI Netra Pal, attacked and assaulted him. In the unlawful assembly collected there, there were Sadiq, Zaheer, Manzoor, all alongwith their sons and other accused persons from Mohalla were also present. The statement of ASI Netra Pal under section 161 Cr.PC had clearly named the accused persons Zaheer, Danish, Sajid, Anas, Sadiqqe, Sameer Shahnawaz, Saleem, Manzoor (since deceased), Dilshad and Jony.

4. The prosecution further submits that the accused persons violated the guidelines of lock-down Covid-19 and also the unlawful assembly, in furtherance of their common object, collected there and obstructed the public servants in discharge of their duty and assaulted them. The unlawful assembly in furtherance of their common object also attempted to commit culpable homicide. The unlawful assembly had assaulted ASI Netra Pal and as per the MLC he had received injuries on his forehead. He has abrasion on his chest, chin and contusion mark which prima facie suggests that accused persons had knowledge that if they by that act cause the death of ASI Netra Pal they would have been guilty of culpable homicide not amounting to murder.

5. The prosecution further submits that prima facie case against the accused persons that they had committed offences under

section 323/341/147/149/186/353/308/332/188/34 IPC and Sec. 3 of Epidemic Act, 1897 and Sec. 51 of Disaster Management Act, 2005. Complaint under section 195 Cr.PC, by ACP, Sub-Division Seelam Pur is also on the record and filed with the charge-sheet.

6. **Proceedings against accused Manzoor Khan had already abated vide order dated 18.03.2026.**

7. Ld. Counsel for the accused Zaheer has filed certain photograph on the LDOH. These are photographs taken from a video footage but counsel submits that video footage is not in his possession at present. It is submitted that IO had taken this video footage from the person in whose house CCTV was installed. However, IO had denied the same.

8. I have heard the submissions on behalf of the state and Defence.

9. On 27.05.2021, the lock down and COVID-19 was under prevalence. The situation was very serious as the epidemic had engulfed, taking many lives. The scene was very serious and the public was issued guidelines to be followed to control the spread of the epidemic. The police personnel, day and night, were in duty to control the spread of the epidemic. It is alleged that the accused persons were in knowledge of the havoc of the epidemic and when the police personnel were there to control the same, accused persons allegedly took the law in to their hands and attempted to jeopardize the control.

10. Hence prima facie there is material to frame charge against **Zaheer, Sajid, Danish, Anas Mohd. Siddique, Saleem,**

Sameer, Shahnawaz, Imran @ Jony & Dilshad.

11. Though it is alleged that police personnel were badly hit therefore attempt to culpable homicide was done but as per the MLC of ASI Netra Pal and Ct. Suresh, they received simple injuries.

12. As per MLC of ASI Netra Pal, he has one CLW on forehead, one abrasion on chin and one abrasion on chest. As per MLC of Ct. Suresh, he has one bruise on neck. If the mob would have hit these police personnel as is alleged, attempting to commit culpable homicide, the injuries would have been more severe. However, the scientific evidence of MLC does not support any such allegation for framing of charge under section 308 IPC.

13. Let charge under section 323/341/147/149/186/353/332/188 IPC is made out. Also charge under section 3 of Epidemic Act which is punishable under section 188 of IPC is also made out. Charge under section 51 of Disaster Management Act is also made out. Complaint under section 195 Cr.PC is also on record.

14. Put up for framing of charge on **04.07.2026**.

(Twinkle Wadhwa)
ASJ-02(NE)/KKD/Delhi
03.06.2026/k