

IN THE COURT OF SHRI SANJAY SHARMA-I:
PRINCIPAL DISTRICT & SESSIONS JUDGE
NORTH EAST DISTRICT
KARKARDOOMA COURTS: DELHI

SC No. 166/2024
State Vs. Salman Haider @ Maan
FIR No. 103/2024
PS Dayalpur
Under Section 307/323/34 IPC
CNR No.: DLNE01-002326-2024

State

Versus

Salman Haider @ Maan
S/o Mumtaz
R/o G-11, Street No. 13
Bhagirathi Vihar, Delhi

Date of institution : 08.08.2024
Date of reserving judgment : 01.04.2026
Date of judgment : 13.04.2026

JUDGMENT:

The present FIR was registered on the complaint of Monu @ Lala S/o Khalil, who stated that on 16.01.2024 at about 08.30 pm, when he was going towards kura khatta, gali no. 14, Old Mustafabad, Delhi, and reached there, he saw 2-3 boys namely Salman Haider @ Maan S/o Mumtaz and Shehzad S/o Moinuddin quarreling with his friend Salman S/o Asif. When he tried to intervene, one of the boys namely Salman Haider @ Maan tried to kill him with a sharp edged weapon and caused injury on his

hands. The other boy namely Shehzad and another unknown boy gave legs and fist blows to him and his friend Salman. Blood started oozing out of his arms and the accused persons fled away from the spot. His friend Shammi took him to GTB hospital where his MLC was prepared. Someone called the police at 100 number. Police recorded his statement.

1.1 Thereafter, on the statement of the complainant, present FIR was registered for offences under Section 307/323/34 IPC. Accused Salman Haider @ Maan was arrested in the present case on 17.01.2024. On completion of investigation, charge-sheet was filed against the accused for the offences punishable under Section 307/323/34 IPC.

2. Copies were supplied to accused Salman Haider @ Maan as required under Section 207 Cr.P.C. After hearing arguments, charge for the offences punishable under Section 307/323/34 IPC, was framed against the accused vide order dated 27.09.2024.

3. At the trial, the prosecution examined 07 witnesses in all.

(i) PW-1 ASI Manoj was the Duty Officer. He proved copy of FIR Ex.PW1/A, his endorsement on the rukka Ex.PW1/B and certificate u/s 65-B of Evidence Act Ex.PW1/C.

(ii) PW2 Salman was one of the injured in the present case. He deposed that on an evening of January 2024, 2-3 persons came in Gali No. 14, Mustafabad, near Kura Khatta where he was present to meet his brother Mobin and they started snatching

money from him. He raised alarm on which Monu @ Lala intervened and separated them. The said persons got angry and started beating him as well as Monu and one of the persons stabbed Monu @ Lala. Thereafter, they ran away threatening to kill them. He further deposed that the relatives of Monu @ Lala took him to GTB hospital, but he did not sustain any major injury hence, his medical examination was not got conducted by the police. He could not identify the assailants due to lapse of time. This witness was declared hostile by the prosecution and was cross examined by Ld. Addl. PP for the State.

(iii) PW3 HC Amit Kumar got the accused medically examined from Jag Parvesh Chandra Hospital.

(iv) PW4 Tahir was the cousin of injured Salman. He deposed that on the day of incident at about 08.00 – 08.30 pm, when he was present at his house, he heard some noise and came out in the balcony of the first floor. He saw that accused Salman @ Maan was stabbing his cousin Salman. He came down and rescued his cousin Salman with the help of Monu who was also given knife blows by the accused. He further deposed that injured Salman called the police at 100 number. PCR came at the spot and caught the accused and knife was seized in his presence at the police station when the accused was brought to the PS. He further deposed that accused had concealed the knife in his collar. PW4 also deposed that when accused gave knife blows to injured Salman, he was accompanied with two other persons but could not tell their names. However, during further examination by the Ld.

Chief PP, he failed to identify the knife shown to him which was allegedly recovered from the accused and further failed to identify the accused and stated that he was not the person who had caused injuries to the complainant and the injured.

(v) PW5 HC Nikesh was on emergency duty on 16.01.2024. He was with the IO during investigation. He deposed that when he alongwith IO reached GTB hospital, injured Monu met them and disclosed that he was stabbed by accused Salman. He further deposed that on 17.01.2024 when he was again on emergency duty, injured Monu @ Lala came to the PS and have his statement on the basis of which the present FIR was registered. He accompanied the IO at the time of arrest of accused Salman Haider. He proved the sketch of knife Ex.PW5/A, its seizure memo Ex.PW5/B, his personal search Ex.PW5/C, disclosure statement Ex.PW5/D and the pointing out memo prepared at instance of accused Ex.PW5/E.

(vi) PW6 HC Rahul Malik was the MHC(M) who deposed that the IO SI Rajiv Kumar had deposited one pulanda in malkhana containing one knife vide entry no. 16 in register no. 19.

(vii) PW7 SI Rajiv Kumar was the IO who deposed about the investigation conducted by him. He proved the statement of injured Monu recorded by him Ex.PW7/A, prepared tehrir Ex.PW7/B and got registered the present FIR. He prepared the site plan Ex.PW7/C. He arrested the accused, prepared his arrest memo, got him medically examined and put him in lockup. On the next day, he was produced before the concerned court and was sent

to JC. He deposited the case property to malkhana and filed the chargesheet before the court.

4. Statement of accused was recorded u/s 313 Cr.P.C. and entire incriminating evidence was put to him which he denied and pleaded his innocence. He took the defense that PW4 Tahir was not present at his home at the relevant time and that no quarrel as alleged had ever taken place. He further stated that recovery of knife has been planted upon him and that he never made any disclosure statement nor was arrested from the spot. He did not stab any person namely Salman S/o Ashiq Ali.

5. I have heard Mr. Masood Ahmad - Ld. Chief PP for the State, Mr. Zahoor Mehndi - Ld. Counsel for accused and have carefully gone through the records of the case.

6. The prosecution examined only two material witnesses apart from the IO to prove the charges. PW2 Salman was one of the eye witness and injured. However, he failed to support the prosecution case regarding the identity of the accused. He deposed that the incident took place in January 2024, when in the evening 2-3 persons came in gali no. 14, Mustafabad, Delhi where he was present with his brother Mobin. Those persons tried to snatch money from him and he raised an alarm, hearing which one Monu @ Lala intervened. Those persons got annoyed and started beating them. Out of them, one stabbed Monu @ Lala and they ran away. The relatives of Monu took him to the hospital. When he was asked to identify the accused, he failed to identify him as one of the assailant due to lapse of time. He was declared hostile by the

prosecution and was cross examined by the Ld. Addl. PP wherein he admitted his signatures on the arrest memo of the accused Ex.PW2/B, but explained that he was unaware about the contents of the same. He denied that he had mentioned the name of accused Salman Haider to the police and explained that he did not knew him. The accused was pointed out to him in the court as the person who had stabbed Monu @ Lala, but he failed to identify him and stated that he did not knew him. Hence his testimony is of no help to the prosecution.

7. The other material witness was PW4 Tahir. He was also unable to depose the correct date of incident and deposed that it took place in the year 2024. On the day of incident, he was present at his house when he heard a noise from outside at about 08.00 – 08.30 pm. From the balcony of the first floor, he saw a crowd in the street and further saw accused Salman stabbing Salman S/o Ashiq Ali, his cousin. He then came downstairs to help his cousin with the help of Monu but the accused gave knife blows to Monu as well. He further deposed that injured Salman S/o Ashiq Ali called the PCR which came at the spot and the police officials caught the accused and also seized knife in his presence at the PS which was concealed by him in his collar and had fallen down.

8. With the permission of the court, the Ld. Chief PP had put certain leading questions to the witness wherein he stated that he was unable to remember if he had mentioned the name of one Shehzad as one of the accomplice of the accused. In further questioning, he failed to remember if the accused and his

associates had given beatings to Salman S/o Ashiq Ali with legs and fists, explaining that there was a big crowd. The weapon of offence i.e. a knife was produced and shown to him, but he denied that it was the same knife which was recovered from the accused. Thereafter, the accused was shown to him on video conferencing from jail and after seeing him, PW4 denied that he was the same person who had caused injuries to the complainant and other injured.

9. In the cross examination by Ld. Counsel for the accused, he deposed that the place of incident was about 80 ft. away from his house and from that distance, the incident could not be seen but he saw the crowd. He even failed to remember if on the day of incident i.e. 16.01.2024 he was present at his house between 08.00 - 08.30 pm. He categorically deposed that he had not seen anyone receiving any knife injury or who all were fighting and who caused injury to whom. Thus, he totally failed to support the prosecution case and could not depose anything about the incident and even failed to identify the accused as one of the culprit.

10. The main witness i.e. Injured Monu @ Lala could not be served and his presence could not be procured by the prosecution even after an attempt to serve him through the DCP concerned and accordingly, on the request of the Ld. Chief PP, he was dropped from the array of witnesses.

11. The remaining witnesses examined by the prosecution were formal police witnesses who remained associated with the investigation at different stages, but even their unrebutted

testimony is insufficient to hold the accused guilty.

12. It is clear from the aforesaid that neither the identity of the accused could be proved by the witnesses nor his involvement in the alleged incident and consequently, charges framed against him could not be proved. There is no hesitation to hold thus, that the prosecution has failed to prove its case against the accused. Accordingly, accused Salman Haider @ Maan is hereby acquitted of the offences punishable under Section 307/323/34 IPC. He is set at liberty. His personal bond and surety bond are discharged.

File be consigned to Record Room.

*ANNOUNCED IN OPEN COURT
ON 13th day of April, 2026*

**(SANJAY SHARMA-I)
PRINCIPAL DISTRICT & SESSIONS JUDGE
NORTH EAST DISTRICT
KARKARDOOMA COURTS, DELHI**