

SC 369/2021
STATE Vs. NASEEM @ WASEEM & ANR.
FIR No. 177/2021
PS (New Usman Pur)

14.03.2026

File taken up today as 02.03.2026 was declared holiday by Hon'ble High Court of Delhi vide Notification No.64/G-4/Genl.-I/DHC dated 27.02.2026.

Present: Sh. Ramesh Bajiya, Ld. Addl. PP (Substitute) for State.

Accused Naseem @ Waseem is present on bail.

Accused Asif @ Kasib not produced from J/C (on bail in this case).

Sh. Manoj Kumar, Ld. Counsel for accused Asif.

Sh. Manish Garg, Ld. Counsel for Naseem @ Waseem.

Arguments on charge heard.

The case of the prosecution is that on 09.04.2021, at about 10.15 p.m., when complainant Ct. Inder was on patrolling duty and he reached at Gali No. 20, Gautampuri, Delhi, he heard gunshot sound and noticed that public had gathered there and both the accused persons were having desi katta in their hands. On seeing him, they tried to flee away but he apprehended accused Naseem @ Waseem and seized desi katta from his hand however, accused Asif @ Kasib had succeeded to flee away. Since blood was oozing out from abdomen of accused Naseem, Ct. Inder shifted him to JPC Hospital. Initially, case u/s 25/27 Arms Act and u/s 336 IPC was registered against the accused persons. During investigation, it has been revealed that a cross-case bearing FIR No. 178/2021, PS New Usmanpur, u/s 307/34 IPC was registered against Irfan and Aakib @ Padda (victims of

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the present case) by the accused Naseem @ Waseem and Asif @ Kasib. After recording statements of victims Irfan and Aakib @ Padda u/s 161 Cr.P.C. Sections 307/506 IPC were added in the present case.

Charge-sheet has been filed for the offences u/s 307/336/506/34 IPC & 25/27 Arms Act.

Ld. Counsel for the accused has argued that the accused himself is a victim since he was stabbed with a knife by the complainant of this case and for which the cross case was registered. He submits that this case has been registered only to save the accused in the said case and therefore, seeks discharge of the accused. However, it is noted that in the statement of the Akib and Irfan, the victims in this case, they had stated that the accused had fired upon them and Asif fled away on the motorcycle while, Waseem was caught by them and witness Irfan stabbed him with a knife. It shows that knife injury was inflicted after the accused fired upon them with katta. The katta has been recovered from accused Waseem.

It is a settled law that cross cases have to be tried together. Though the Ld. Counsel has argued that the accused in this case are themselves victim but the statements referred to above show that the injury was inflicted after the accused fired upon them. The veracity of the statements can only be appreciated at the trial. Hence, I do not want it a fit case for discharge.

From the above, a *prima facie* case is made out

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against both the accused persons for the said offences. Charge u/s 307/336/506(I)/34 IPC is directed to be framed against both the accused and charge u/s 25/27 Arms Act is also directed to be framed against accused Waseem.

Accused Asif has not been produced from J/C today (he is on bail in this case), let production warrants be issued for his physical appearance for **21.04.2026**.

(SANJAY SHARMA-I)
Principal District & Sessions Judge,
North-East District, KKD, Delhi/14.03.2026