

5 SC 386/2025
STATE Vs. AKIB
FIR No. 634/2025
PS New Usman Pur

22.05.2026

Present: Sh. F. M. Ansari, Ld. Substitute Addl. PP for the State.
Accused Akib with Ld. Counsel.

Arguments on charge heard.

The case is registered on the statement of ASI Dharmender. It is submitted by Ld. Counsel for applicant that in the said case in which police officials tried to arrest, he is already discharged. It is submitted that there is no public witness in this case. It is submitted that accused does not know how to ride bike. Though it is the case that accused fired at police officials but it is accused who has suffered gun shot injuries in his leg. It is submitted that there is no CCTV footage to show his presence at the spot nor any CDR is filed.

I have heard the Ld. counsel and perused the record.

The FIR is registered on the basis of statement of ASI Dharmender who had stated that he received information regarding presence of accused Akib who had committed an offence on 22.09.2025 in Gali No. 9, Gokul Puri, Delhi. As they received information regarding his presence at 3rd Pusta, New Usman Pur, Jungle road, Yamuna Khadar on motorcycle, they alongwith other police officials went there to lay a trap. They reached there at 1:25am and made a trap. At around 01:45am, one person came on Hero Honda Splendor Motorcycle, when he was asked to stop by the gesture of hands but instead of stopping the vehicle, he tried to take a U-turn at high speed due to which, his motorcycle got disbalanced and fell down. He was aksed to stop but he took out

pistol and fired at police party whose bullet hit HC Navneesh on his jacket, then ASI Dharmender in order to save his team fired at his left leg with his pistol, resultantly he fell down and was apprehended. His pistol was also seized and he revealed his name as Akib and was sent to JPC hospital.

This court has also seen video from E-Sakshay App which was uploaded whereby covering the scene of crime after that crime. In the video footage, bike is seen lying on the ground, PCR van is there, empty cartridge, pistol. There are lot of officials at the spot and the photographer is taken photographs. All this is visible in the E-Sakshay App video.

In view of the material on record including statement of police officials, prima facie there is material on record to frame charge under section 221/132 BNS. Also prima facie charge under section 27 Arms Act is also made out. As far as charge under section 25 Arms Act is concerned, same is to be considered after FSL result on pistol.

As far as charge for attempt to murder is concerned, there is nothing on record to show that he had any prior intention to cause murder of any police official. As per charge sheet, when police reached at the spot, in order to save himself, he fired at the police officials. At the best, it can be said that he had knowledge that if death is caused, he would be guilty of culpable homicide. Hence, charge u/s 110 BNS be also framed against him.

Put up for framing of charge on **06.06.2026**.

(Twinkle Wadhwa)
ASJ-02(NE)/KKD/Delhi
22.05.2026/k