

CNR No.:DLNT01-001016-2014
SC No. 61/2024
STATE Vs. Shailender @ Sheele & Ors.
FIR No. 230/2016
PS Bawana
U/s: 146/147/148/149/307/34 IPC & U/s: 25/27 Arms Act

26.09.2025

Present: Sh. Sanjay Jindal, Ld. Addl. PP for State.
IO / SI Subhash Chandra in person.
Accused Rahul @ Bakri is absent.
Remaining accused persons namely Shalender @
Sheele, Vijay @ Bijee, Naveen @ Sethi, Vivek @ Amit,
Varun @ Chotu in person on bail.

Sh. Vishvajeet Singh, Ld. Counsel for accused persons
namely Shalender @ Sheele, Naveen @ Sethi, Varun
@ Chotu and Rahul @ Bakri.
Sh. Mohit Aggarwal, Sh. Himanshu Rana and Ms.
Aishna Jain, Ld. Counsels for accused Vivek@Amit.

An application for exemption from personal
appearance has been moved on behalf of accused Rahul @ Bakri.
Heard. For the reasons mentioned in the application, accused Rahul
@ Bakri is exempted from personal appearance for today only with
direction to appear in person on next date of hearing.

Arguments on the point of charge have already been
heard on behalf of all accused persons.

Ld. Addl. PP for the State has submitted that there is
sufficient material to frame charge against accused persons namely
Shalender @ Sheele, Vijay @ Bijee, Naveen @ Sethi, Rahul @
Bakri, Vivek @ Amit, Varun @ Chotu and prima facie case for
offences punishable under section 146/147/148/149/307/34 IPC and

under section 25/27 Arms Act is made out against all above-named accused persons, therefore, charges for the appropriate sections may kindly be framed.

Ld. Counsel for accused Vivek @ Amit has submitted that accused Vivek @ Amit is innocent and he has been falsely implicated in the present FIR case. Ld. Counsel for accused Vivek @ Amit further submits that at the relevant time, accused Vivek @ Amit was working as Junior Judicial Assistant in the Court of Ms. Shefali Barnala Tandon, Ld. MM, Rohini Courts, Delhi. He further submits that accused Vivek @ Amit had attended his duties on that day and he was present in the Rohini Court premises on 13.05.2016 till 05:53 PM which is clearly visible in CCTV Footage and the IO has also mentioned the same in the charge-sheet. It is further argued that accused Vivek @ Amit had marked his attendance through biometric system which also confirms the fact that, he was present in the Rohini Court premises in discharge of his official duties. It is argued that accused Vivek @ Amit has been falsely implicated in the present case on account of enmity as he is in government service. It is argued that the allegations leveled against accused Vivek @ Amit is completely false and baseless and that no offences as alleged against him is made out, therefore, he may kindly be discharged from the present FIR case.

Ld. Counsel for rest of the accused persons has submitted that rest of the above-named accused persons are innocent and they have been falsely implicated in the present FIR case. Ld. Counsel for rest of the accused persons further submits that even if all prosecution material is assumed to be true, it does

not disclose the commission of any offence under section 307 IPC or 25/27 Arms Act. It is argued that bio-metric attendance of accused Vivek @ Amit and CCTV Footage of Court premises which are part of judicial record clearly shows that accused Vivek @ Amit was present in the Rohini Courts premises till 17:53 hours and the alleged case of incident is 23 KM away from the Court premises, therefore, it is highly improbable, accused Vivek @ Amit would reach at the place of occurrence within seven (07) minutes i.e., at about 18:00 hours. It has been further argued that Ld. Sessions Court in its order dated 11.01.2019 had clearly observed that despite the presence of accused Vivek @ Amit, IO of the case took no action against the complainant who is having manifesting bias and malafide intention. It is argued that complainant has alleged in his FIR that he had come outside on road after accused persons called him and they had fired gunshot towards him, however, as per site plan and seizure memo, empty cartridges have been found from inside the house of complainant which completely in contravention of the allegations leveled by complainant. It is argued that accused Vijay @ Bijie has been paralytic since the year 2013 and he cannot walk without assistance. It is argued that the present case is a counter blast to the FIR bearing No.231/2016 PS Bawana lodged by accused Rahul @ Bakri against complainant. It is argued that the present case FIR has been registered on the basis of concocted story of complainant and therefore, no case for the offences punishable under section 146/147/148/149/307/34 IPC and under section 25/27 Arms Act is made out. It is prayed that accused persons may kindly be discharged.

Submissions heard. Record perused.

In the present case, allegations against all accused persons are that on 13.05.2016 at about 06.00 PM, Near Mandir and Stand, Village: Harewali, Delhi, all accused persons namely Shalender @ Sheele, Vijay @ Bije, Naveen @ Sethi, Rahul @ Bakri, Vivek @ Amit, Varun @ Chotu, in furtherance of their common intention, fired gunshots towards Complainant Sh. Sagar S/o Sh. Balwan Singh with an intention to kill him and also gave him beatings by an object i.e., Beete. Perusal of the charge-sheet reveals that two used cartridges have been recovered from the scene of crime by the police.

Coming now to the contentions raised by Id. Counsel for accused Vivek @ Amit. Perusal of the record further shows that IO has collected the CCTV Footage, attendance register and bio-metric attendance pertaining to accused Vivek @ Amit which prima facie shows that he has been wrongly named by complainant in the present FIR case. Perusal of the record further shows that as per the bio-metric attendance record, accused Vivek @ Amit had marked his presence at 05:30 PM through bio-metric. Further, IO has confirmed that as per CCTV Footage, accused Vivek @ Amit is visible in the Rohini Court premises at about 05:53 PM on his motorcycle. All the afore-mentioned documents prima facie gives impression that accused Vivek @ Amit was present in the Rohini Court premises till 05:53 PM and the alleged incident took place at about 06:00 PM which makes it highly improbable for accused Vivek @ Amit to reach at the place of occurrence which is around 23 Kms away from Rohini Court Complex within a period of seven

(07) minutes.

It has been contended on behalf of accused Vijay @ Bijie that he is suffering from paralysis since the year 2013 and cannot walk without assistance and therefore, he is liable for discharge in the present FIR case. Perusal of the record shows that accused Vijay @ Bijie has not been arrested by IO in the present case for the reason that he was suffering from paralysis at the relevant time, however, neither any document has been collected by IO during the course of investigation with respect to the medical condition of accused Vijay @ Bijie as on the date of alleged offence nor any other evidence has been collected in this respect. Thus, there is nothing on record which could show that accused Vijay @ Bijie was suffering from paralysis as on the date of alleged offence except the assertion made by IO in the charge-sheet that he has not been arrested by him for the reason that he was suffering from paralysis.

In case titled as Bhawna Bai Vs. Ghanshyam and others, (Criminal Appeal No. 1820 of 2019) Arising out of SLP(Crl.) No.6964 of 2019, Hon'ble Supreme Court of India has observed in para 16 of the said judgment as under:-

“Para 16.....For framing the charges under Section 228 CrI.P.C, the judge is not required to record detailed reasons. As pointed out earlier, at the stage of framing the charge, the court is not required to hold an elaborate enquiry; only prima facie case is to be seen. As held in Knati Bhadra Shah and another V. State of West Bengal (2000) 1 SCC 722, while exercising power under Section 228 CrI. P.C, the judge is not required record his reasons for framing the charges against the accused.....”

At the stage of framing of charge, this Court has to see

whether there is prima facie ground for proceeding against the accused persons. It is axiomatic that even the strong suspicion that the accused persons have committed the crime, is sufficient to frame the charges. It is also well settled that the standard of proof adhered to at the final decision of the case is not to be adopted at the stage of framing of charge. The Court is not to appreciate or weigh the evidence, which the prosecution proposes to lead during the trial.

Considering the facts and circumstances of the case and in view of the above discussion, this Court is of the considered view that prima-facie case for the offences punishable 146/147/148/149/307/34 IPC and under section 25/27 Arms Act is made out against accused persons namely Shalender @ Sheele, Vijay @ Bijie, Naveen @ Sethi, Rahul @ Bakri and Varun @ Chotu. Charges for the offences under section 146/147/148/149/307/34 IPC and under section 25/27 Arms Act is framed against accused persons namely Shalender @ Sheele, Vijay @ Bijie, Naveen @ Sethi, Rahul @ Bakri and Varun @ Chotu to which they pleaded not guilty and claimed trial. However, keeping in view of the documents i.e., bio-metric attendance, CCTV Footage and attendance register, it can be safely said that accused Vivek @ Amit was present at the Rohini Court premises till 05:53 PM and it is impossible for him to reach at the place of occurrence (which is around 23 Kms away from Rohini Court premises) at about 06:00 PM i.e., within a period of seven (07) minutes, therefore, no prima-facie case is made out against accused Vivek @ Amit and therefore, **accused Vivek @ Amit is discharged for the alleged offences**

punishable under section 146/147/148/149/307/34 IPC and under section 27 Arms Act.

Be put up for appearance of accused persons as well as for framing of charges against accused persons namely Shalender @ Sheele, Vijay @ Bije, Naveen @ Sethi, Rahul @ Bakri and Varun @ Chotu on **06.10.2025**.

(Sushil Kumar)
Addl. Sessions Judge-04
North District Rohini Courts Delhi
26.09.2025 ^(R)