

IN THE COURT OF SH. SAMAR VISHAL
ADDITIONAL SESSIONS JUDGE-02, SOUTH DISTRICT, SAKET
COURTS, NEW DELHI

CNR no. DLST01-0182992025

SC no.544/2025

FIR no.105/2025

PS Safdarjung Enclave

IN THE MATTER OF

State

Versus

(1) Jasvinder Singh

(2) Bhavneet Singh

(3) Aakash Singh

(4) Jas Karan Singh

..... Accused persons

20.04.2026

ORDER ON CHARGE

1. Matter is fixed for orders on the application seeking further investigation filed on behalf of the accused persons, and the question of charge.

2. The application for further investigation has been filed on the premise that the present dispute pertains to property bearing no. 101F/7A, Gali No. 5, Krishna Nagar, Safdarjung Enclave, New Delhi, in front of which the alleged incident dated 21.02.2025 took place.

3. It is the case of the accused that accused Jasvinder Singh is the owner of the said property, having inherited the same from his father, and that the complainant, Gyan Chand, was inducted as a tenant in the year 1998 and vacated the premises in 2008. It is further stated that the electricity connection stands in the name of the accused.

According to the application, on 20.01.2025, the accused Jasvinder Singh received a call from HC Rajender Singh of Police Station Safdarjung Enclave informing him that the complainant was asserting ownership over the shop and intended to place his locks thereon. It is alleged that the complainant, in collusion with the said police official, unlawfully put his locks on one side of the shutter. A complaint in this regard is stated to have been made by the accused on 27.01.2025.

4. It is further averred that on the date of the incident, the complainant, along with his son Kapil and 11–12 unknown persons, arrived at the shop, broke open the locks, and began removing articles, leading to a scuffle. It is submitted that the incident was captured in CCTV footage. On these grounds, further investigation has been sought for collection of material such as ownership documents, mutation records, property tax receipts, CCTV footage, and medical records.

5. I have heard the learned Additional Public Prosecutor for the State and the learned counsel for the accused and have considered the material on record.

6. As regards the issue of ownership of the property, the same is essentially a civil dispute, which the accused persons are at liberty to establish during the course of defence evidence, if so required. The determination of title is not germane at this stage for adjudicating the criminal liability arising out of the alleged incident. The same can be decided on the basis of the material collected during the investigation. If the accused persons have any defence, they shall be at the complete liberty to prove their defence during the stage of defence evidence.

7. Insofar as the CCTV footage is concerned, the same is already part of the record. The present case is confined to the criminal allegations pertaining to the incident in question, particularly the alleged assault upon the complainant and the persons accompanying him.

8. Hence, no ground is made out to direct further investigation under the law and the same will not serve any purpose except to delay the matter. The application appears to be an attempt to incorporate and bring on record the defence version in the guise of further investigation, which otherwise can be done by the accused persons themselves at the appropriate stage. Accordingly, the application seeking further investigation stands dismissed.

9. As regards the question of charge, I have carefully perused the record of the case, including the CCTV footage of the incident. I have heard the learned counsel for the accused persons and perused the record including the complaint and the statements of the witnesses under section 180 BNSS.

10. At the outset, it is noted that the contention raised on behalf of the accused persons—that the incident occurred in the backdrop of a dispute over possession of the shop in question—appears to have some substance. The charge sheet is conspicuously silent as to the purpose for which the complainant, who is stated to be a resident of Gautam Budh Nagar, Uttar Pradesh, was present at the spot along with several associates on the date of the incident. The occurrence admittedly took place in front of the said shop.

11. The material on record, particularly the CCTV footage, indicates that both sides were involved in a physical altercation, and

the incident appears to be in the nature of a mutual scuffle, resembling an affray, rather than a unilateral assault by one side.

12. However, it is also evident from the record that during the course of the said scuffle, accused Jaskaran is alleged to have hit Kapil on the head with a stone, resulting in injury. Further, accused Akash is stated to have brought a sword and inflicted an injury upon the complainant, Gyan Chand. Narveer Singh sustained two injuries on his head according to MLC. However as per MLC's the injured persons in the present case have suffered simple injuries.

13. The charge sheet has been filed under Section 110 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, corresponding to Section 308 of the Indian Penal Code, which pertains to attempt to commit culpable homicide.

14. I have heard the learned Additional Public Prosecutor for the State, the learned counsel for the accused and the complainant, and have considered the material on record.

15. At the stage of framing of charge, the court is not required to evaluate the evidence with the same rigour as at the final stage of trial, nor to determine whether the material, if proved, would certainly lead to conviction. Instead, the court merely assess whether the material placed on record, taken at its face value, discloses the ingredients of the alleged offence and gives rise to a prima facie case, even if based on a strong suspicion. While the court may sift and weigh the evidence to a limited extent, it cannot conduct a "mini-trial" or assess the probative value of the evidence. The material produced by the prosecution must be presumed to be true at this stage, and if on that basis the court forms an opinion that the accused might have

committed the offence, charges should be framed; the deeper question of whether the accused actually committed the offence is to be determined only during trial. Therefore, at the stage of framing of charge, the court is not required to meticulously weigh the evidence or test its ultimate probative value as would be done at the stage of trial. It is a well-settled principle of criminal jurisprudence that if the materials placed before the court give rise to a grave suspicion regarding the commission of the offence alleged, that itself is sufficient for the trial court to proceed to frame charges. In the present case, the material collected during investigation meets this threshold, and the Ld. Trial Court, therefore, acted within the ambit of law in directing the framing of charges against the accused persons.

16. In the case of *Mathura Dass And Ors. vs State* 104 (2003) DLT 147, it was observed that a Judge, at the time of framing of charge, is not to act merely as a post-office or mouth-piece of the prosecution, but has powers to sift and weigh the evidence but for a limited purpose only. This exercise has to be undertaken by him only with a view to find out as to whether a prima facie case is made out or not. The existence of a prima facie case may be found even on the basis of strong suspicion against an accused. The assessment, evaluation and weighing of the prosecution evidence in a criminal case at the final stage is on entirely different footing than it is at the stage of framing a charge. At the final stage if two views are possible, one of which suggests that the accused may be innocent, then the view favorable to the accused has to be accepted whereas at the stage of framing of the charge, the view which is favourable to the prosecution, has to be accepted for the purpose of framing charge so that in the course of the trial, the prosecution may come out with its explanations in regard to the draw-backs and weaknesses, if any, being pointed but by an accused.

17. In the case of *State of Bihar vs Ramesh Singh 1977 AIR 2018*, it is held that it is not obligatory for the Judge at the stage charge to consider in any detail and weigh in a sensitive balance whether the facts, if proved, would be incompatible with the innocence of the accused or not. The standard of test and judgment which is to be finally applied before recording a finding regarding the guilt or otherwise of the accused is not exactly to be applied at the stage of deciding the matter at the stage of charge. At that stage the Court is not to 'see whether there is sufficient ground for conviction of the accused or whether the trial is sure to end in his conviction. Strong suspicion against the accused, if the matter remains in the region of suspicion, cannot take the place of proof of his guilt at the conclusion of the trial. But at the initial stage if there is a strong suspicion which leads the Court to think that there is ground for presuming that the accused has committed an offence then it is not open to the Court to say that there is no sufficient ground for proceeding against the accused.

18. In the case of *Soma Chakravarty v. State Through CBI [(2007) 5 SCC 403]*, it was observed that the settled legal position, is that if on the basis of material on record the court could form an opinion that the accused might have committed offence it can frame the charge, though for conviction the conclusion is required to be proved beyond reasonable doubt that the accused has committed the offence. At the time of framing of the charges the probative value of the material on record cannot be gone into, and the material brought on record by the prosecution has to be accepted as true at that stage. Before framing a charge the court must apply its judicial mind on the material placed on record and must be satisfied that the commitment of offence by the accused was possible. Whether, in fact, the accused

committed the offence, can only be decided in the trial.

19. In view of the foregoing discussion, and upon consideration of the material available on record, I am of the opinion that, at the stage of charge, a prima facie case is required to be assessed on the basis of broad probabilities and the existence of a strong suspicion.

20. In the present case, the record, including the CCTV footage and medical documents, prima facie indicates that Kapil and Narveer sustained injuries on vital parts of their bodies during the incident. The manner in which the assault was carried out, the participation of the accused persons as a group, and the nature of the acts attributed to them collectively give rise to a presumption, at this stage, of the requisite intention or knowledge that such acts were likely to cause culpable homicide.

21. Though the incident appears to have arisen in the backdrop of a property dispute and may have been sudden, the material on record prima facie reflects that the accused persons acted in furtherance of a common intention while participating in the assault, particularly in causing injuries on vital parts of the body of the victims.

22. It is a settled position that, at the stage of framing of charge, the Court is not required to conduct a meticulous appreciation of evidence, and even a strong suspicion founded on the material on record is sufficient to proceed.

23. Accordingly, I find sufficient grounds to presume that all the accused persons have committed an offence punishable under

Section 110 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Section 308 IPC read with Section 34 IPC).

24. Therefore, all the accused persons are directed to be charged for the offence punishable under Section 110 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Section 308 IPC read with Section 34 IPC).

25. Let charges be framed accordingly.

(SAMAR VISHAL)
ASJ-02/SOUTH/SAKET COURTS
NEW DELHI/20.04.2026