



\$~63

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.REV.P. 303/2025, CRL.M.A. 23068/2025

CHAMAN SINGH

.....Petitioner

Through: *Appearance not given*

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Hemant Mehla, APP for State
with Mr. Omvir Singh, SI, PS-New
Usmanpur, DIU/NE.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **07.08.2025**

1. The present petition filed under Section 438 read with Section 442 of Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 397 and 401 of the Code of Criminal Procedure, 1973) assails order dated 7th July, 2025 passed by the Special Judge (NDPS)/Additional Sessions Judge, North East District/Karkardooma Courts, whereby the Petitioner has been charged for the offences under Sections 147/148/149/323/341/307/506/24 of the Indian Penal Code, 1860² and Sections 25/27 of the Arms Act, 1959.

2. Briefly, the case of the prosecution is as follows:

2.1. On 12th April 2017, acting on a PCR call recorded as DD No. 37B, SI Shailesh Shukla along with Constable Jitender Kumar arrived at the scene of the incident at Old Village, New Usmanpur. Upon arrival, they were informed that an injured person had already been transported to the hospital by a CAT ambulance. Blood stains and a cartridge were found at the spot, prompting the summoning of the crime team, which collected evidence. SI

¹ "BNSS"

² "IPC"



Shukla then proceeded to the hospital where the injured person had initially been admitted, and was informed that the injured had been shifted to the Trauma Center Hospital, Civil Lines. The injured was identified as Mahipal Singh, as per MLC No. 5849/17, which recorded a “physical assault gunshot injury” on the basis of the injured’s statement. SI Shukla attempted to record his statement, but the latter declined, citing his condition. Based on the preliminary inquiry and medical report, an FIR was registered under Sections 307 and 34 IPC, and Sections 25, 27, 54, and 59 of the Arms Act.

2.2. During the course of the investigation, the injured stated that Niranjana @ Sonu, a member of his family, along with his associates, Kalu, Shyama, Jeete, Bhole, Ajay, Guddu, and Banti, assaulted him with lathis and sticks over a dispute related to the burial of a stump and the tethering of buffaloes at a stable constructed on government land. He further alleged that during the scuffle, Leele and Sonu shot at him using country-made pistols. Additionally, Chaman, who was also armed with a *desi katta*, allegedly fired at him again upon realizing he was still alive.

2.3. Subsequently, the accused persons, including the Petitioner, were arrested.

2.4. On completion of the investigation, chargesheet was filed against accused Leele and Sonu under Sections 323/341/307/506/147/148/149/34 of IPC and Sections 25/27 of the Arms Act and against all the remaining accused persons under Section 147/148/149/307/506/34 IPC and Sections 25/27 of the Arms Act.

2.5. The chargesheet records that since there is insufficient evidence against the Petitioner, he is placed in column No. 12. Nonetheless, the Petitioner has been summoned and also charged for offences under Sections



147/148/149/323/341/307/506/24 of IPC and Sections 25/27 of the Arms Act.

3. Counsel for the Petitioner submits that the order framing charge against him is legally unsustainable, arbitrary and unsupported by any cogent material. It is emphasised that the prosecution itself placed the Petitioner in column No. 12 of the chargesheet, acknowledging the absence of sufficient evidence to proceed against him. The Petitioner asserts that he was at his residence at the time of the alleged incident. In support of this plea, he produced the DVR containing CCTV footage from cameras installed at his home, bearing accurate date and time stamps, clearly capturing his presence there during the relevant period. The footage underwent forensic examination and the FSL report confirmed that it remained intact, with no tampering or disruption in continuity. In these circumstances, it is urged that the impugned order framing charge is without foundation and liable to be set aside.

4. The Court has considered the rival submissions and examined the record. It is not in dispute that the chargesheet expressly refers to the DVR of the CCTV footage produced by the Petitioner, which was seized under a memo and forwarded for forensic analysis. As per the FSL report the relevant CCTV video files were continuous and untampered, with no indication of alteration, as confirmed through a frame-by-frame analysis using a video analysis system. To this effect, the chargesheet, inter alia, notes as follows:

“Thereafter, in this case, during the investigation, the DVR of CCTV Camera has already been produced on 22/04/2017 by the accused Chaman Singh s/o Late Mahender Singh r/o A-27, Gali No. 1, 2nd Posta, New Usmanpur, Delhi, installed at his house, which was deposited on 27/06/2017 for its result in FSL Laboratory, Rohini, the result of which



received from FSL Laboratory, Rohini, in which it has been stated that "on Laboratory examination of CCTV video files in "DVD" marked "Exhibit-DVD1 "; following observation were made:-a) It is, was observed that, video files namely "download" (13). Fly" are continuous video footage of CCTV recording. There is no indicated of alteration in the continuous video footage of CCTV recording on the basis of frame- by- frame examination using video Analysis System. b) The CCTV video recording in file namely "download (4).fly", having no relevant CCTV recording. c) In CCTV video recording in fly namely download(9). Fly", & download(-14} fly" to "download{23}. fly" having no recording."

5. At the same time, however, the chargesheet also incorporates the statement of the injured, in which he makes a categorical allegation that the Petitioner was one of the assailants and had fired at him with a country-made pistol during the incident. The relevant portion of the statement is as follows:

*"On 09/04/2017, at about 02.00 O` clock in day time, I went to feed water to my cows, where, Lile, Bhoji, Sonu & Naveen were burring the stumps at our land, I said them, not to bury the stumps at our land, **I stopped them, then they left the place, the second day, Chaman met me and Chaman said to me, "why you stopped my accomplices to bury the stumps" then I replied to bury stumps on your own land, upon this, he has become annoyed and said, to bury the stumps at there, if you have courage, then try to touch the stumps, if you would have to tried to touch the stumps, the you would have to be killed and left, while extending threat to me. On 12/04/2017, in the morning at about 11.00 AM, the persons sent by Chaman, were burring stumps on my land for grip on land, at that time, I and my two nephews Kapil and Nitin were also present there, when, I stopped to bury the stumps, then replied, Chaman directed to bury the stumps at this place, act whatsoever you can, upon it, I objected, then the persons present there namely Kalu, Shyama, Jite, Bhole, Naveen, Ajay, Gudu and Bunt, who were having cudgel (LATHI) and sticks in their hands and Lile and Sonu were having Desi Katta in their hands, the Lile fired from Katta, the bullet of which has crossed away near to me without hurt, as up to, I would have to become save myself, Sonu fired upon me from his Katta, which directly hit to my right-arm, remaining persons also attacked upon me with their cudgel (LATHI) and sticks and I run toward my cows to save myself, where my nephews Kapil and Nitin were standing and I fallen down on earth, while arriving there, my both nephews got me lie down on Bench, those persons got standing, while expecting me to be***



died and Kapil made call to police at number 100, when after lapse of some time, 100 number, the Gypsi of police has not arrived, then my both nephews started to commence to take me at hospital, **then at that period, Chaman, who was having Desi Katta in his hand and other accomplice Sharwan, Kesari & Bhoji, who were having cudgel (LATHI) and sticks in their hands came at the spot, Chaman said, "YE TOE SAALA BUCH GIYA", and fired upon me from Desi Katta, but the bullet did not hit me and crossed away, at that time my nephews cried noise, my elder brother Jagat Singh along with some peoples reached there,** after it my both nephews and my elder brother Jagat Singh took me to Jag Parvesh Hospital, where, after gone through my prevailing situation, I was referred to Trauma Center, Civil Line, Ring Road, where, I was got admitted, after some time the police arrived at hospital and due to grievous injury, I would not have to made statement to you, where my treatment was got conducted. On 18/04/2017, I got admitted in Mavi Hospital, Karawal Nagar Road (Dyalpur), where my treatment is going on, today, you arrived here and got recorded my statement, which, I read, which is correct, after it the reply was filed to the anticipatory bail moved by suspected person Jitender @ Jite s/o Kishan Lal r/o A-34, Gali No.1, 2nd Pusta, New Usmanpur, Delhi, 2. Naresh @ Kalu s/o Ram Kishan, 3. Sanju @ s/o Kawar Lal and 4. Manoj Kumar @ Buntty s/o Keshari, after its hearing, the aforesaid accused persons directed to join the investigation, and matter was adjourned for 08/05/2017. The reply to the application for anticipatory bail of suspected persons Keshari s/o Aflatoon, r/o A-34, Gali No.1, 2nd Pusta, New Usmanpur, Delhi, 2. Shyamvir @ Shyama s/o Satyam, 3. Jite @ Jitender s/o Shyamvir and 4. Rakesh @ Gudu s/o Kishan Lal, was filed, upon hearing of which the aforesaid accused persons directed to join the investigation, and matter was adjourned for 08/05/2017. Thereafter, on 02/05/2017, after transfer of investigation to DIU/Unite North East, the investigation was entrusted to S.I. Nilesh Vajpayee, due to indulgence and order of the court. During investigation, after direction of the court, the accused Jitender @ Jite and Naresh @ Kalu were got joined in the investigation, who have not co-operated in the investigation, after it, Inspector Sanjeev Kumar prepared the site plan of the spot without scale and got recorded the statements of eye witnesses namely Nitin s/o Man Singh and Kapil s/o Jagat Singh. **Thereafter, in this case, during the investigation, the DVR of CCTV Camera has already been produced on 22/04/2017 by the accused Chaman Singh s/o Late Mahender Singh r/o A-27, Gali No. 1, 2nd Pusta, New Usmanpur, Delhi, installed at his house, which was deposited on 27/06/2017 for its result in FSL Laboratory, Rohini, the result of which received from FSL Laboratory, Rohini, in which it has been stated that "on Laboratory examination of CCTV video files in "DVD" marked "Exhibit-DVD1"; following observation were made:-a) It is, was observed that, video files namely "download" (13). Fly" are continuous video footage of CCTV recording. There is no indicated of alteration in the**



continuous video footage of CCTV recording on the basis of frame- by-frame examination using video Analysis System. b) The CCTV video recording in file namely "download (4).fly", having no relevant CCTV recording. c) In CCTV video recording in fly namely download(9). Fly", & download (14) fly" to "download(23). fly" having no recording."

6. The Trial Court was faced with two competing pieces of material: a categorical statement by the injured witness alleging that the Petitioner fired at him and a DVR containing CCTV footage submitted by the Petitioner to support his plea. The DVR contains footage from a camera installed at the Petitioner's own residence and is being relied upon by him as part of his defence. Although the footage has undergone forensic analysis confirming that it has not been tampered with, it still remains private footage from the Petitioner's own camera at the residence. Unlike footage from cameras installed by the government, whose authenticity may be accepted as *prima facie* evidence, this privately sourced footage must still be proved in Court, particularly with regard to the accuracy and synchronisation of the date and time stamps. Therefore, in the Court's opinion, the mere absence of any alteration in the CCTV footage is, at this stage, insufficient to conclusively establish that the Petitioner was not present at the scene of the incident, especially in light of the injured witness's specific allegation identifying him as one of the assailants.

7. It is also material to note that the CCTV footage was produced by the Petitioner himself on 22nd April, 2017, claiming that it pertained to the date of the incident, i.e., 12th April, 2017. He relied upon this footage before the Trial Court to contend that he had been falsely implicated out of mala fide intent to exact revenge. The Trial Court, while noticing the production of this footage and the Petitioner's plea, held that the question of whether he



was present at the spot at the relevant time was a matter to be determined at trial, after evidence was led and tested. The relevant observations in the impugned order read as follows:

“15. The perusal of the record reveals that in the case in hand, the chargesheet was tiled against accused Leele and Niranjana @ Sonu u/s. 323/341/307/506/147/148/149/34 IPC & Sec. 25/27 Arms Act and against all the remaining accused persons U/sec.147/148/149/307/ 506/34 IPC & Sec. 25/27 of Arms Act. During the trial, the proceedings against the accused Sonu @ Inder and Leele were abated, as they had expired. Admittedly, statements of the complainant were recorded on 13.04.2017 & 26.04.2017 and there are some improvements in the statement recorded on 26.04.2017, however, it cannot be the sole ground to disregard the entire prosecution case without giving any opportunity to prove the same. The complainant has named all the assailants in his statements.

16. As per the MLC of the complainant/injured Mahipal, there was 'alleged history of physical assault caused by gunshot injury told by the patient' and as per the medical records, the nature of injury is 'grievous' Apart from the statements of witnesses, there are sufficient material on record, which prima facie shows the involvement of the accused persons in commission of the present offence. As per the statement of the complainant, accused Chaman and Sonu also fired upon him with their country-made pistols.

17. So far as arguments raised by Ld. Counsel for the accused persons are concerned, the same are matter of trial, which can be decided only after appreciation of evidence. Admittedly, defence of the accused persons cannot be looked into, at this stage, Whether accused Chaman was present at the spot or not at the time of alleged incident, is also matter of trial.

18. Accordingly, the accused persons namely Bhoj Raj Singh @ Bhoji, Niranjana @ Sonu, Naveen Kumar, Naresh @ Kalu, Jitender @ Jeetu, Manoj Kumar @ Banti, Rakesh Kumar @ Guddu, Sanju @ Ajay, Shankar @ Bhole, Keshri Singh, Guddu @ Shyamvir, Sushil @ Guruji and Chaman Singh are liable to be charged and face trial U/sec.147/148/149/ 323/341/307/506/34 IPC. Accused Sonu and Chaman are also liable to be charged and face trial U/sec. 25/27 of Arms Act.

19. Let charges be framed against the abovenamed accused persons accordingly.”

[Emphasis Supplied]

8. Indeed, at the stage of framing charge, the Court is not required to undertake a meticulous evaluation of the evidence or assess the probable



defence of the accused as it would at the conclusion of trial; nor can it embark upon a roving enquiry into the truthfulness of the prosecution case. This settled position has been reiterated by the Supreme Court in ***State of Tamil Nadu v. R. Soundirarasu and Others***,³ holding that at the stage of framing of charge, even strong suspicion founded on material which leads the Court to form a presumptive opinion as to the existence of the factual ingredients constituting the offences alleged, would justify the framing of charge against the accused in respect of that offence. It is only in a case where the Magistrate considers the charge to be groundless that he must discharge the accused after recording his reasons for doing so. The defence material, unless of such sterling and unimpeachable quality as would *ex facie* demolish the prosecution version, is ordinarily not to be considered. In the present case, while the CCTV footage relied upon by the Petitioner may ultimately be tested during trial, its existence, in the face of a categorical eye-witness account naming him as one of the assailants, does not justify interdiction of the trial process at the threshold.

9. In light of the foregoing, having regard to the position on law, with respect to the framing of charge, in the opinion of the Court, there is indeed a *prima facie* case for the case to be put to trial and therefore, no interference is warranted.

10. Accordingly, the present petition, along with pending application is dismissed.

SANJEEV NARULA, J

AUGUST 7, 2025/nk

³ (2023) 6 SCC 768.