



2026:DHC:1108



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

% **Reserved on: 11th December, 2025**

Pronounced on: 09th February, 2026

+ **CRL.L.P. 88/2019**

**STATE OF DELHI
GOVT. OF NCT OF DELHI
DELHI SECRETARIAT,
IP ESTATE, NEW DELHI**

.....Petitioner

Through: Mr. Shoaib Haider, APP for the State
with SI Deepak, P.S. Tilak Nagar

versus

1. **JASVINDER SINGH @ JASSI**
S/O SH. SURJAN SINGH,
R/O C-126B, TILAK VIHAR,
TILAK NAGAR, NEW DELHI

2. **SATNAM SINGH @ SONU @ PYARA SINGH**
S/O LAKHVINDER SINGH,
R/O B-9C, TILAK VIHAR,
TILAK NAGAR, NEW DELHI

.....Respondents

Through: Ms. Harpreet Kalsi, Amicus Curiae
for Respondents.
Mr. Kishan Nautiyal and Ms. Astha
Ranjan, Advocates for R-3

**CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

J U D G M E N T

NEENA BANSAL KRISHNA, J.

CRL.A_____/2026 (to be numbered)

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CRL.L.P. 88/2019

1. Appeal under Section 378(4) of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C."*) has been filed against the impugned Judgment dated 20.11.2018 whereby the learned ASJ has acquitted the Respondents for the offences punishable under Sections 341/308/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC"*), in FIR No. 0137/2014 under Sections 341/308/34 IPC, registered at P.S. Tilak Marg.
2. It is submitted that the Appellant had a good *prima facie* case in its favour and against Respondents/accused persons.
3. The Ld. Trial Court failed to appreciate deposition of Prosecution Witnesses and without appreciating settled law acquitted the Respondent.
4. *Hence, leave to Appeal is sought.*
5. *For the reasons stated in the Leave Petition, the same is allowed and disposed of accordingly.*

CRL.A _____/2026 (to be numbered)

1. Appeal under Section 378 Cr.P.C has been filed against the impugned Judgment dated 20.11.2018 whereby the learned ASJ has acquitted the Respondents for the offences punishable under Sections 341/308/34 IPC, in FIR No. 0137/2014 under Sections 341/308/34 IPC, registered at P.S. Tilak Marg.
2. The **case of the Prosecution** was that on 05.02.2014, at about 10.45 PM, the **Complainant, Mr. Virender Pal Singh @ Prince** was going to his house on foot *via* Tilak Nagar. When he reached near C-Block, the Respondent, Accused, Jasvinder Singh @ Jassi, along with 4-5 persons



obstructed his way and started hurling abuses at him. When the Complainant resisted, he was slapped by Jasvinder Singh. Thereafter, he was beaten by him and his associate. On the asking of Jasvinder Singh, his associate lifted a brick and threw at the Complainant, which hit him on his head. Jasvinder Singh also lifted a stone and attempted to hit the Complainant, but he saved himself.

3. The Complainant started bleeding from his injuries, on which the Respondent-Jasvinder Singh, and his associates fled away. The Complainant went to his house and informed about the incident to his brother, who took him to DDU Hospital. A PCR call was made. On the statement of the Complainant, FIR No. 0137/2014 under Sections 341/308/34 IPC, was registered at P.S. Tilak Marg.

4. Respondent, Jasvinder Singh was arrested on 15.02.2014. His associate, Satnam Singh @ Sonu @ Pyara Singh (Respondent No.2) was also arrested on the same day. They were interrogated and they confessed to the commission of the crime. The *third assailant* could not be traced despite the investigations. After conclusion of the investigation, Chargesheet was filed in the Court. The charges under Sections 341/308/34 IPC were framed, on 08.08.2014, to which both the Respondents pleaded not guilty.

5. The Prosecution, in support of its case, examined **10** witnesses.

6. **PW1** is the **Victim**, who deposed about the incident and narrated the Complaint. **PW2, Harjeet Kaur**, mother of the Complainant also corroborated his testimony.

7. The MLC was prepared by Dr. Nishit. The opinion about the nature of the weapon was proved by **PW3, Dr. B.N. Mishra**.



8. **PW7, SI Rambir Singh**, IO was joined by **PW4, Ct. Raj Singh**, to conduct the investigations. **PW5, Ct. Sandeep Kumar**, joined the IO at the time of the apprehension of Respondent, Jasvinder Singh.
9. **PW6, ASI Dilbagh Singh**, recorded the FIR.
10. The statements of the Respondents were recorded under *Section 313 Cr.P.C.*, wherein they denied all the incriminating evidence.
11. **Satnam Singh** and **Jasvinder Singh**, in their respective statements, asserted that they had declined to pay compensation of Rs.1 lakh to the injured and his mother when asked by the Police, and their signatures were forcibly obtained on blank documents and were arrested on 15.02.2014. They claimed that they were falsely implicated in this case.
12. The Respondents examined in their defence **DW1, Dilbagh Singh and DW2, Jasvinder Singh @ Bitoo**. Both deposed that on the date of the incident, the Complainant Prince was under the influence of alcohol and smack and he hit himself against a big dustbin in the dump yard and suffered injuries. The Complainant was picked up by two persons. The witness offered to drop him at his house, but he declined.
13. The learned ASJ considered the material discrepancies in the testimony of the Complainant and also that the MLC did not specify the person who had taken the injured to the hospital. Likewise, PW4, Ct. Raj Singh had deposed that the Complainant had informed that the Accused- Jasvinder Singh resided nearby, but he was silent about the other Accused Satnam Singh. He stated that the Complainant had named only one Assailant Jasvinder Singh.



14. *In light of various contradictions in the testimony of the Prosecution witnesses, the benefit of doubt was given to the Respondent, who were acquitted.*

15. *Aggrieved by the acquittal, the present Appeal has been preferred by the State on the grounds* that the testimony of the Complainant, Virender Pal Singh @ Prince has not been appreciated in the right perspective. He deposed that he knew the Respondent, Jasvinder and had correctly identified him. In his testimony, he also identified the Respondent, Satnam Singh as the person who had hit him on his head with a brick. The role of both the Respondents, has been clearly deposed by the Complainant.

16. PW3, Dr. B.N. Mishra, had also deposed that the injury on the head of the Complainant could have been caused by a stone/piece of brick, which corroborated the testimony of the Complainant.

17. The discrepancy pertaining to the time of the incident, i.e., 12:30 AM, is a minor controversy and could not be held fatal to the Prosecution's case.

18. Furthermore, the sweater/jarsi of the Complainant worn by him at the time of the incident, which had blood stains, was duly seized by the Police. *The Prosecution had proved its case beyond reasonable doubt, and the impugned judgement of acquittal, is liable to be set aside.*

Submissions heard and record perused.

19. The **case of the Prosecution** is that on 05.02.2014 at about 10:45 p.m., while the Complainant, Virender Pal Singh @ Prince, was going on foot to his house in Vishnu Garden and was passing through Tilak Nagar, the Respondent No.1, namely, Jasvinder Singh @ Jassi along with 4-5



associates, were standing near *C-Block, Kuda Ghar*. They confronted him and started abusing him just with gave him a slap. When he tried to run away, the other associates of Jasvinder Singh @ Jassi, had started threatening him. One Pyara Singh along with other boys, apprehended him and started giving him beatings. In the meanwhile, one of the boys picked up a brick and hit him on his head because of which, he sustained injuries. The other persons gave him beatings after which, they all left.

20. On his Complaint recorded on the next date i.e. 06.02.2014 at 07:15 p.m., the FIR Ex. PW-6/8 was recorded.

21. To prove the Complaint, **PW1, the Complainant, Virender Pal Singh @ Prince**, deposed about the entire incident. According to him, the Respondent, Jasvinder Singh @ Jassi had hit him with fist and legs, while Satnam Singh had hit him with a brick. He had gone to his house and was taken by his family members to Police Chowki, Tilak Vihar from where he was taken to DFMT DDU Hospital where he was given medical treatment.

22. It has emerged from the testimony of PW-1 **Virender Pal Singh @ Prince**, as well as, **IO ASI Rambir Singh** that the Complainant was unable to give his Statement on 05.02.2014 because of the injury and his Statement was recorded on the next day i.e. 06.02.2014. *The first aspect which emerges from his testimony, is that he in his statement as PW-1, he had named only Jasvinder Singh @ Jassi and his 4-5 associates.*

23. As per the testimony of PW-1, the second assailant was *Satnam Singh*, who had hit him with stone, on his head. **Firstly**, this Satnam Singh was neither known to the Complainant nor he was named in the FIR. **Secondly**, in his testimony, he has stated that while Jasvinder Singh @ Jassi,



who was known to them and lived in the vicinity, was apprehend by the Police, at his instance, on 15.02.2014. Satnam Singh was called by Jasvinder Singh and was arrested in this case. Similar is the testimony of **PW-7, ASI Rambir Singh**, IO, who also deposed that the name of Satnam Singh was disclosed by Jasvinder Singh @ Jassi.

24. Thus, what emerges is that Satnam Singh was neither known nor named in the FIR. There is no evidence about he having been identified by the Complainant in a TIP or otherwise. It appears that he identified Satnam Singh for the first time in the Court Room. *Considering that Satnam Singh was neither named or identified, a doubt is created about his involvement in the incident.*

25. As rightly noted by learned ASJ, it is highly improbable that Santam Singh who is also known to the mother of PW1, would not be known to PW1 himself. After all, the accused and PW1 as well as PW2 are residents of same locality. Still, the witness did not give the name of Satnam Singh to the Police.

26. It is not proved beyond the reasonable doubt that he was one of the associates, who was present with the Respondent, Jasvinder Singh @ Jassi, on the spot or he was the one, who had thrown a brick at the Complainant causing head injury.

27. *From the entire prosecution evidence, it emerges that there is a doubt about the identity of Satnam Singh, who is entitled to be acquitted.*

28. The second person is **Jasvinder Singh @ Jassi**, the Respondent No. 1 against whom the Complainant had made the Complaint by name. It has emerged in the testimony that he was known to him and resided in the



vicinity. It is at the instance of the Complainant, that the Police apprehended and arrested the Respondent, Jasvinder Singh @ Jassi. There is no material contradiction in the testimony of PW-1, Virender Pal Singh, the Complainant in regard to he having been slapped by the Respondent.

29. The happening of the incident is fully corroborated by the DD No. 36A, Ex.PW-7/A, which was recorded on 05.02.2014 at about 11:40 p.m. about the information being conveyed of the Complainant being beaten up by 6-7 boys near *Tilak Vihar Kuda Ghar*.

30. This is further corroborated by the MLC, Ex.PW-7/B wherein he shown to have suffered CLW. PW-3, Dr. B.N. Mishra, has deposed that he had looked up the MLC and had compared the weapon of offence, i.e. the brick with the nature of injury and opined that the brick could have been the weapon of offence and also that the nature of injury suffered, was simple. While the Respondent, Jasvinder Singh @ Jassi, is not the person, who had thrown the brick at him, but it has been proved through cogent evidence that he was the one, who had slapped and beaten the Complainant, which proves the offence of Section 323 IPC (*Punishment for voluntarily causing hurt*) against him.

31. It is also pertinent to observe that **DW-1, Dilbagh Singh** and **DW-2, Jasvinder Singh @ Bittoo** had been examined by the Respondents, to prove that the Complainant, who was the drug addict, was under the influence of drugs and had dripped over the *Kuda daan* and hurt himself.

32. While it was admitted by the Complainant, as well as, PW-2, Smt. Harjeet Kaur, his mother that he had become addicted to drugs since 2-3 years and had even been admitted to de-addiction centre but pertinently, the



MLC, Ex.PW-7/B does not show that the Complainant was under influence of any kind of drugs or was intoxicated.

33. The testimony of defence witnesses, therefore, does not prove the innocence of the Respondent, Jasvinder Singh @ Jassi.

34. *It is, therefore, held that Jasvinder Singh @ Jassi has been erroneously given benefit of doubt and acquitted. He is hereby, convicted under Section 323 IPC.*

Sentence:

35. Pertinently, the Respondent was arrested on 15.02.2014 and was granted Bail on 27.08.2014. Considering the nature of the case, the long period of trial and the nature of offence proved against him, he is sentenced to imprisonment for the period already undergone.

Conclusion:

36. The Appeal is, therefore, partly allowed against the Respondent No.1/Jasvinder Singh @ Jassi in the aforesaid terms, while the acquittal of Satnam Singh, is hereby upheld.

37. The Appeal is accordingly, disposed of along with the pending Applications.

**(NEENA BANSAL KRISHNA)
JUDGE**

FEBRUARY 09, 2026
N/RS