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

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Date of Decision: 16.05.2026+ **CRL.REV.P. 531/2025 & CRL.M.A. 37587/2025**

JAGDEEP SINGH @ JAGGA & ORS.Petitioners

Through: Mr. Vimal Tyagi, Advocate (*through video conferencing*).

versus

STATE NCT OF DELHIRespondent

Through: Mr. Amit Ahlawat, APP for State with SI Ashish Yadav and SI Nikhil Raman.

CORAM: JUSTICE GIRISH KATHPALIA**J U D G M E N T (ORAL)**

1. One of the disconcerting issues raised in the present case is as to what should be the inherent nature and extent of “protest”. Can it be legitimately termed “protest” where the so-called protestors, after burning on road effigy of an individual, cross the road, followed by broad footpath and even the service road in order to throw the burning portions of the effigy on the rooftop of the guardroom of the official bungalow of the person being protested against when security men present inside the gate even try to stop them, after which the so-called protestors would immediately in cowardly manner flee away, instead of as a mark of protest letting the law enforcement agency take them into custody? The answer is a resounding No. This is nothing but a brazenly disruptive activity.



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2. In the present case, the allegation against the petitioners according to the FIR, supported by statements of eyewitnesses and even CCTV footage, is that on 21.06.2022 at about 04:30pm, they collected outside the gate of official bungalow of a prominent political personality at Moti Lal Nehru Marg and started raising slogans, in the course whereof they also burned effigy of the said prominent person on the main road; that thereafter they carried the burning effigy with the help of *dandas* and threw the burning effigy on gate and rooftop of the security room of the bungalow; and that thereafter, they fled the spot. The entire incident was captured in the CCTV camera installed there and the CCTV footage forms part of the chargesheet.

3. Against the above backdrop, after hearing both sides the learned trial court dismissed the discharge application of the present petitioners by way of order which is impugned in these proceedings.

4. Learned counsel for petitioners contends that neither there was any injury caused to anyone nor there was any intention to kill, so the charge for offence under Section 307 IPC is not made out. It is also contended that since no deadly weapon was used by the petitioners and their intention was only to protest, no case for offence under Section 307 IPC is made out. It is also contended that the provision under Section 285 IPC covers the acts alleged against the petitioners. It is also argued that since no explosive was used, no offence under Section 436 IPC is made out. However, learned



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counsel for petitioners submits that he does not challenge the charge for offences under Section 147/149/188 IPC.

5. Learned APP assisted by IO/SI Nikhil strongly opposes the petition, contending that what was sought by the petitioners before the trial court was discharge and in view of admission of learned counsel that charge for offences under Section 147/149/188 IPC is made out, there is no question of discharge. Further, learned APP has read over to me the statements of the eyewitnesses of the alleged occurrence in support of his contention that the same clearly shows intention of the petitioners to kill the guards standing inside the bungalow.

6. At request of learned counsel for petitioners, learned APP has also played the CCTV footage before me as the same forms part of the chargesheet.

7. So far as the legal position is concerned, it is not in dispute that for the purposes of framing charge, what has to be seen by the court is as to whether the chargesheet and the documents filed therewith, give rise to a grave suspicion that the accused committed the crime for which he has been chargesheeted by prosecution.

8. To begin with, the CCTV footage of the incident, which is relied upon by not just the prosecution but even the defence side depicts the incident as



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follows. The petitioners carrying an effigy reach on the main road near a tree and then they burn the effigy, after which they carry the burning effigy on a wooden pole and after main road they cross a wide footpath followed by a wide service road in front of the said bungalow and throw the burning effigy across. If it was a simple protest outside house of that prominent person, it remains unexplained as to why the petitioners would, after burning the effigy, go across to the other end, after crossing the wide footpath followed by the wide service road and then throw the burning effigy across the gate and rooftop of the security room of the bungalow. The CCTV footage, relied upon by both sides completely demolishes the argument of learned counsel for petitioners that it was simply a protest.

9. So far as the offence under Section 307 IPC is concerned, merely because nobody got injured and fortunately so, it cannot be said that charge for offence under Section 307 IPC is not made out. Taking an example, if A fires a shot at B, but that shot misfires and does not hit B, it cannot be said that A did not intend to murder B. Further, the manifestation of *mens rea* requisite to make out an offence under Section 307 IPC is not just an intention to kill. The provision under Section 300 IPC clearly stipulates that the culpable homicide would be murder if the *actus reus* is done with the intention to cause death or if it is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to death or if the person committing the act knows that it is so imminently dangerous that it must in



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all probability cause death or such bodily injury as is likely to cause death and commits such act without any excuse for incurring the risk of causing death or such injury. For the purpose of framing charge for offence under Section 307 IPC, in my considered view the ingredients recorded above are clearly met out. To say the least, the petitioners cannot deny knowledge that their act of throwing the burning effigy across the gate where security men were standing and on the rooftop of the security room was so imminently dangerous that it must, in all probability would have caused death though for the good fortune of those security men, they escaped unhurt. In any case, the FIR itself specifically alleges that the petitioners tried to kill the security personnel present inside the gate.

10. Coming to the offence under Section 436 IPC, merely because no explosive was used, it cannot be said that the offence is not made out. For, the offence under Section 436 IPC covers mischief by not just explosive substance but even by fire, which is the present case as describe above.

11. Coming to the provision under Section 285 IPC, which according to learned counsel is the relevant offence under which charge ought to have been framed, I am unable to convince myself to agree with the submission. For, Section 285 IPC contemplates a negligent conduct. It is nobody's case that the petitioners negligently threw the burning effigy across the gate of the bungalow and/or its security room. What the petitioners did was not a negligent act; it was clearly an intentional act.



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12. To reiterate, protests do form a significant part of a democracy. But violence in the name of protest cannot be acceptable to any tenet of *demosprudence*. Such acts of shoot and scoot do not constitute protest. It is indeed a matter of serious concern that a section of society today thrives on such disruptive activities in the name of protest.

13. Of course, now a cautious rider: the above observations shall have no bearing on the final outcome of trial, and at that stage the learned trial court shall take view on the basis of evidence adduced during trial, independent of above observations.

14. I am unable to find any infirmity in the impugned order, so the same is upheld. The present petition is not just devoid of merit but is completely frivolous, so dismissed with a cost of Rs.25,000/- to be deposited by the petitioners online with www.bharatkeveer.gov.in within one week. Accompanying application also stands dismissed.

15. Copy of this order be sent to the trial court to ensure compliance as regards cost.

**GIRISH KATHPALIA
(JUDGE)**

MAY 16, 2026/ry