



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

Date of reserving: 18th May, 2026

Date of Decision: 18th September, 2026

IN THE MATTER OF:

+ CRL.A. 229/2005 & CRL.M.A. 2915/2005

VEER PAL

.....Appellant

Through: Mr. Prang Newmai, Amicus Curiae.

versus

STATE

.....Respondent

Through: Mr. Satinder Singh Bawa, APP for
the State.

CORAM:

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

JUDGMENT

VIMAL KUMAR YADAV, J.

1. A back breaking hard day's labour requires a sound peaceful sleep in the night to rejuvenate the body in order to enable it to assume and discharge next day's assignments which invariably involves hard physical work. This has become a regular and unending plight of the labourers in the country and to add salt to the injury, this class is least paid, least cared and least bothered. A very pathetic state of affairs where the society has failed to value and respect the physical labour, contrary to the western world, where the physical labour is adequately compensated and valued. It was another such night on 17.03.2002 when the victim Rajinder Kumar after the usual hard labour of the day, was about to sleep or was sleeping, at the verandah of shop No. 69, Lajpat Rai Market, Chandni Chowk where he was employed and possibly due to that he was allowed to sleep there. The nuisance and



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ruckus created by the Appellant and some others disturbed the victim. The request of the victim Rajinder Kumar to desist from such behaviour infuriated the Appellant to the extent that he initially pushed the victim and then attacked him with a sharp weapon. A *Rapi* (an instrument used by cobblers to cut the leather) was used by the Appellant to cause injury to the victim running from face / cheek to the chest. The rumpus and commotion attracted the attention of a policeman on patrol i.e. Ct. Santosh Kumar. The victim, however, fell unconscious after some time of the assault. Ct. Santosh realizing the situation, spotted the Appellant running away from the scene, chased and neutralized him. Reinforcement with the help of information given by some public persons, came at the spot and the injured was removed to Trauma Centre by Ct. Santosh Kumar while the Appellant was handed over to SI Ranbir Singh and HC Jagdish. Injured Rajinder was unconscious and underwent a surgery in the operation theatre. SI Ranbir Singh, was assigned the matter, who recorded the statement of Ct. Santosh and based upon the same a case was registered bearing FIR No. 180/2002 by the Police Station Kotwali which ultimately culminated into a charge-sheet filed under Section 307 Indian Penal Code, 1860 (IPC).

2. Appellant Veerpal pleaded not guilty and claimed trial to the charge framed under Section 307. The case of the prosecution traversing through the statement of 17 witnesses, statement of accused recorded under Section 313 Cr.P.C. resulted into a judgement against the Appellant in which he was held guilty and convicted under Section 307 IPC.

3. The Appellant was, through an order on sentence dated 02.12.2004 condemned to undergo Rigorous Imprisonment (RI) for a period of 05 years and to pay a fine of Rs.1,000/- and in default of payment of fine he was to further undergo RI of 03 months.



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4. Against the backdrop of aforesaid facts, the instant appeal has been preferred whereby the learned counsel for the Appellant has come forward with the plea that the requisite intention or knowledge for a conviction under Section 307 IPC cannot be attributed to the Appellant inasmuch as even as per the deposition of the injured Rajinder Kumar (PW-1) the incident occurred in the spur of the moment where the Appellant was having some altercation with some other persons which disturbed the sleep of the victim and the intervention was not taken kindly by the Appellant who directed his ire anger towards the victim. There was only a single blow given to the victim which was an outcome of the uncalled for, unwanted and un-required intervention from the side of the victim in the estimation of the Appellant. The Appellant even according to the case of the prosecution, after giving a single blow to the victim, tried to escape, but was chased and pinned down by Ct. Santosh. This further indicates that the Appellant had no intention to cause the death of the victim. Whatever had happened had happened in the fraction of seconds without any pre-meditation or planning and for that matter the victim was never even the target of the Appellant.

5. It is asserted that the learned Trial Court has not appreciated these facts and has recorded a finding against the Appellant by holding that he had the requisite intention or knowledge as contemplated under Section 307 IPC. In this context learned counsel for the Appellant has placed reliance on the judgement titled as ***Surender Singh v. State (Union Territory of Chandigarh)*** 2021 INSC 790, to draw a distinction that intention or knowledge should have been put into action, irrespective of the outcome. If it is found that the intention or knowledge was there as contemplated under Section 307 IPC then only a person can be held responsible notwithstanding the outcome of the intention or knowledge in the shape of the act which



followed thereafter. It is argued by the learned counsel for the Appellant that in the absence of the requisite ingredients of Section 307 IPC, the acts of the Appellant, at the most, can be brought under Section 326 IPC or any such offence resulting into bodily injury.

6. The learned APP on the other hand submitted that the intention is writ large in the circumstances of the case where a dangerous weapon *Rapi* was used by the Appellant to cause injury to the victim that too on very vital parts of the body, starting from the neck and going down to the chest. The body part targeted reflects the intention. It may or may not be true that the incident took place in the spur of the moment but then the action does not take place unless an intention is first generated in the mind of the person. So the circumstances reflect that the Appellant's intention was to cause harm and then only he assaulted the victim. The question as to whether the requisite intention or knowledge, as contemplated under Section 307 IPC, was there or not can be inferred from various factors surrounding the incident. It is asserted that the conclusion arrived at by the learned Trial Court is based upon the material on record and is in consonance with the facts and law on the subject therefore, no intervention is required qua the impugned judgment.

7. Having taken into consideration the contentions raised by the rival sides and the material placed on record for consideration, what is of utmost importance is to ascertain as to whether the Appellant had intention to commit murder or not or that he had the knowledge that his act is going to result into murder. This makes it imperative to ascertain the intention or knowledge. These two things i.e. intention and knowledge are abstract, intangible and invisible, therefore, how to ascertain, is the question.

8. In *Hari Singh v. Sukhbir Singh and Others*, (1988) 4 SCC 551, the



Hon'ble Supreme Court has laid down as to what all is required to be established in order bring home a case under Section 307 IPC, which is as below:-

"7.Under Section 307 IPC what the court has to see is, whether the act irrespective of its result, was done with the intention or knowledge and under circumstances mentioned in that section. The intention or knowledge of the accused must be such as is necessary to constitute murder. Without this ingredient being established, there can be no offence of "attempt to murder". Under Section 307 the intention precedes the act attributed to accused. Therefore, the intention is to be gathered from all circumstances, and not merely from the consequences that ensue. The nature of the weapon used, manner in which it is used, motive for the crime, severity of the blow, the part of the body where the injury is inflicted are some of the factors that may be taken into consideration to determine the intention....."

9. The Hon'ble Supreme Court in ***State of Madhya Pradesh vs. Saleem @ Chamaru***, (2005) 5 SCC 554 and ***Prakash Chandra Yadav vs. State of Bihar & Ors.***, (2007) 13 SCC 134 had emphasized that injury is neither essential, nor determinative, rather it is the intention, which holds the centre stage, in order to determine as to whether the acts of the accused fall into the scope and ambit of Section 307 IPC. A bare reading of Section 307 IPC itself indicates that injury is not *sine-qua-non* as in the event of causing injury, the accused runs the risk of enhanced punishment. In this context, the observations made in ***State of Madhya Pradesh vs. Saleem @ Chamaru*** (*supra*) are worth noting, which is reproduced herein under:

" 12. To justify a conviction under this Section, it is not essential that bodily injury capable of causing death should have been inflicted. Although the nature of injury actually caused may often give considerable assistance in coming to a finding as to the intention of the accused, such intention may also be deduced from other circumstances, and may even, in some cases, be ascertained without any reference at all to actual wounds. The Section makes a distinction between an act of the accused and its result, if any. Such an act may not be attended by any result so far as the person assaulted is concerned, but still there may be cases in which the



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culprit would be liable under this Section. It is not necessary that the injury actually caused to the victim of the assault should be sufficient under ordinary circumstances to cause the death of the person assaulted. What the Court has to see is whether the act, irrespective of its result, was done with the intention or knowledge and under circumstances mentioned in the Section. An attempt in order to be criminal need not be the penultimate act. It is sufficient in law, if there is present an intent coupled with some overt act in execution thereof.”

10. The Hon’ble Supreme Court in **Surinder Singh v. State (UT of Chandigarh)**, (2021) 20 SCC 24 held as under:-

21. It is by now a lucid dictum that for the purpose of constituting an offence under Section 307IPC, there are two ingredients that a court must consider, first, whether there was any intention or knowledge on the part of the accused to cause death of the victim, and, second, such intent or knowledge was followed by some overt actus rea in execution thereof, irrespective of the consequential result as to whether or not any injury is inflicted upon the victim. The courts may deduce such intent from the conduct of the accused and surrounding circumstances of the offence, including the nature of weapon used or the nature of injury, if any. The manner in which occurrence took place may enlighten more than the prudential escape of a victim. It is thus not necessary that a victim shall have to suffer an injury dangerous to his life, for attracting Section 307IPC.

22. It would also be fruitful at this stage, to appraise whether the requirement of “motive” is indispensable for proving the charge of attempt to murder under Section 307IPC.

23. It is significant to note that “motive” is distinct from “object and means” which innervates or provokes an action. Unlike “intention”, “motive” is not the yardstick of a crime. A lawful act with an ill motive would not constitute an offence but it may not be true when an unlawful act is committed with best of the motive. Unearthing “motive” is akin to an exercise of manual brain-mapping. At times, it becomes Herculean task to ascertain the traces of a “motive”.

11. The Hon’ble Supreme Court in **Amit Rana v. State of Haryana**, (2024) 15 SCC 42 held as under:-

“9. Section 307 IPC makes it clear that to attract the said offence the victim need not suffer any kind of bodily injury. The offence to commit murder punishable under Section 307IPC is constituted by the concurrence of mens rea followed by actus reus, to commit an attempt to murder though its accomplishment or sufferance of any kind of



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bodily injury to the victim is not a “sine qua non”. In other words, if a man commits an act with such intention or knowledge and under such circumstances that if death had been caused, the offence would have amounted to murder or the act itself is of such a nature as would have caused death in the usual course of an event, but something beyond his control prevented that result, his act would constitute the offence punishable as an attempt to murder under Section 307IPC.”

12. Ultimately, the issue boils down to the aspect of the intention with which a particular act has been done by the offender/assailant or the requisite knowledge that the act is going to result in the death of a human being, which may amount to murder. In the event of such knowledge or intention, being found on record then it would be enough to hold the assailant guilty for an offence under Section 307 IPC, injury or no injury. As such, the entire episode, narrated by the witnesses has to be appreciated, evaluated and determined on the aforesaid parameters. As noted earlier also, intention or knowledge is something abstract, but intelligible provided the overall act, the circumstances surrounding and attending it or having some connection, are scrutinised meticulously. It may, then, help ascertain and decipher the intention or the knowledge. It is this fact which holds the key to open the lock of Section 307 IPC. How else otherwise, could something so abstract as intention, thought or knowledge, be inferred or translated, so as to place it in the definition or realm of Section 307 IPC.

13. The culmination of an act, which could have resulted into the offence of murder, essentially indicates some overt and violent act has to be there. Thus, the act or *actus reus* becomes important as that would lead in a backward reading, to *mens rea*, which otherwise, is the first and foremost thing to be seen and ascertained in criminal law.

14. Certain aspects, which may throw light on this *mens rea* or intention include, though not exhaustive, the utterances accompanied by an act, the



act itself, the weapon, if any, used in that act, the body part targeted, number of blows given, the circumstances and the conduct of assailant in those peculiar circumstances, for instance, how the assailant behaved when the victim became helpless and was not able to defend, protect or protests etc. The conduct of the assailant when the victim was retreating or withdrawing or running away from the scene, so on and so forth. These are some of the tangible, visible and physical acts, which have its genesis and emerge out of the intention and not otherwise. These sort of acts, individually or collectively, would be the major and most likely the only source for anybody to identify the intention of an assailant.

15. In case titled as **Parvinder @ Moti v. State**, 2015 SCC OnLine Del 8849, Hon'ble Supreme Court has observed that:

*“33. “Intention”, as per Cross and Jones in Introduction to Criminal Law (11th Ed.), is not defined in any statute and its meaning must therefore be derived from judicial decisions. They observe, “It is now clear from the House of Lords decisions in **Moloney** ([1985] 1 All ER 1025 HL) and **Hancock and Shankland** ([1986] 1 All ER 641 HL) that foresight of probability, or even of certainty, is not intention in a legal sense nor the equivalent of it.”*

*They then refer to Court of Appeals decision in **Nedrick** ([1986] 3 All ER 1, CA), where it was stated that “foresight of a consequence as “for all practical purposes inevitable” could give rise to an irresistible inference of intention (as opposed, in other words, to being intention itself).” They conclude that “the irresistible inference mentioned in Nedrick (supra) is likely to mean in practice that foresight of inevitability, at least, will be equated with intention in the minds of a jury”. They however, cautioned “In some offences, the inference of intention may not be drawn where the jury [or the Court] are not satisfied that the prohibited consequence was the accused’s aim or purpose.”*

34. Decisions of the Indian Courts are more illustrative and



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*delineate the distinction between “intention” and “knowledge” in significantly finite and articulate manner. The Supreme Court in **Kesar Singh versus State of Haryana**, (2008) 15 SCC 753, concluded to draw the distinction as, “30. It can thus be seen that the “knowledge” as contrasted with “intention” signifies a state of mental realisation with the bare state of conscious awareness of certain facts in which human mind remains supine or inactive. On the other hand, “intention” is a conscious state in which mental faculties are aroused into activity and summoned into action for the purpose of achieving a conceived end. It means shaping of one's conduct so as to bring about a certain event. Therefore in the case of “intention” mental faculties are projected in a set direction. Intention need not necessarily involve premeditation. Whether there is such an intention or not is a question of fact.”*

The said judgment quotes the following portion from Kenny in *Outlines of Criminal Law* (17th Edn. at P.31) as:-

“Intention: To intend is to have in mind a fixed purpose to reach a desired objective; the noun 'intention' in the present connection is used to denote the state of mind of a man who not only foresees but also desires the possible consequences of his conduct. Thus if one man throws another from a high tower or cuts off his head it would seem plain that he both foresees the victim's death and also desires it: the desire and the foresight will also be the same if a person knowingly leaves a helpless invalid or infant without nourishment or other necessary support until death supervenes. It will be noted that there cannot be intention unless there is also foresight, since a man must decide to his own satisfaction, and accordingly must foresee, that to which his express purpose is directed. Again, a man cannot intend to do a thing unless he desires to do it. It may well be a thing that he dislikes doing, but he dislikes still more the consequences of his not doing it. That is to say he desires the lesser of two evils, and therefore has made up his mind to bring about that one.”

Earlier in **Jai Prakash vs. State (Delhi Admn.)** (1991) 2 SCC 32, it was elucidated that knowledge is bare awareness and not something as intention, for the latter requires something more than a mere foresight of the consequences namely, the purposeful doing of a thing to achieve a particular end.”



16. The aforesaid parameters are to be applied on the facts of the instant case in order to infer and ascertain as to whether the act of the Appellant fall into the realm and domain of Section 307 IPC or fall short of the same to be bracketed in some other offence.

17. The circumstances reflect that the Appellant and victim had no connection with each other, they were not fighting or quarrelling with each other. The Appellant and some other persons were involved in a quarrel. It was the inconvenience caused to the victim by the ruckus created by the quarrel in which the Appellant was involved, which prompted the victim to the intervene and seek a peaceful sleep for him but the Appellant did not take it kindly and suddenly attacked him with a *Rapi* causing injuries as given below :-

“An incised wound (approx 14 inch X 1.5 inch) extending from upper left cheek to sternal notch involving left anterior aspect of neck.”

18. It is evident that the nature of injury cannot be treated as that of grievous hurt, as defined in Section 320 IPC. Thus, it amounts to simple injury. The weapon used indeed was a dangerous weapon and could have been fatal but for the fact, that the way it was used. It was used in a vertical manner and was not used to stab the victim. Had it been used for stabbing, then in that situation there could have been a possibility of the injury resulting into grievous hurt. In view of these facts, the Appellant cannot be held responsible for the offence under Section 307 IPC inasmuch as, as discussed herein before also, the requisite intention or knowledge as contemplated and required under Section 307 IPC is amiss. Given the fact of the injury in the medical terminology may be grievous, but then it is not so in legal definition, therefore, the Appellant, at the most may be held



responsible for a simple injury by a sharp weapon and that brings the act of the Appellant into the domain of Section 324 IPC. Accordingly the appeal is partially allowed and the conviction is modified from 307 to 324 IPC.

19. On the aspect of sentence nothing has much been argued, nevertheless, the Court is duty bound to award a commensurate punishment to the offender. The incident date backs to the year 2002. There is nothing on record which may reflect that the antecedents of the Appellant are questionable and no involvement has been reported after the instant case. Therefore, considering the entire gamut of facts and circumstances, the Appellant is sentenced undergo the incarceration for a period of 03 years. The punishment with regard to the fine shall remain unaltered.

20. With these observations the appeal stand(s) disposed. Application(s) pending, if any, stand disposed of as well. Needless to say that the Appellant shall be entitled to the benefit of set off under Section 428 Cr.P.C.

21. Bail Bond(s), if any, stand discharged.

22. Copy of the judgment be transmitted to the Trial Court and Prison Authorities for information and necessary compliance.

VIMAL KUMAR YADAV, J

SEPTEMBER 18, 2026 /hk/ps/ij/ny