

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRA-AD-246-2026 (O&M)

Date of Reserved: 08.07.2026

Date of Pronouncement: 17.07.2026

Uploaded on : 17.07.2026

RXXX KXXX

....Appellant.

Versus

State of Punjab and others

...Respondents.

**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

.....

Present: Ms. Harkirat Kaur, Advocate for
Mr. Sandeep Arora, Advocate
for the appellant.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

Sukhvinder Kaur, J.

1. Appellant/ prosecutrix has preferred the instant appeal against judgment dated 05.03.2026, passed by learned Additional Sessions Judge, Fast Track Court Exclusively Dealing with Rape Cases, Jalandhar, vide which respondents No.2 and 3 have been acquitted.

2. The present FIR was got registered on the basis of statement of the prosecutrix that on 09.06.2022, she along with her friends went to Devi Talab Mandir to pay obeisance. After paying obeisance, when they were sitting in the Mandir, one unknown girl came there and enquired from them about their whereabouts and occupation. The prosecutrix disclosed that they had come from Gurdaspur and she was running a parlour. The prosecutrix

also told her that she wanted to do some job and the above said unknown girl assured her that she could arrange government or private job for them. She told her that one boy namely, Lovejeet known to her could arrange the job and she took her mobile number. She further stated that on 05.10.2022, respondent No.2 made a phone call to her and told her that he had arranged a job for her and asked her to come to Jalandhar. The prosecutrix reached at Bus Stand, Jalandhar on 07.10.2022 at 10/11:00 A.M. and respondent No.2 asked her to accompany him to a hotel for interview. Respondent No.2 took her to room No.104 of Hotel Umeed, where prosecutrix found that no interview was being conducted and when she enquired about it, respondent No.2 forcibly locked the room from inside and committed indecent acts with her against her wishes and threatened her that if she would not make physical relations with him, then he would kill her and when she raised alarm, he gave her beatings. Then, respondent No.2 made physical relations with her without her consent and also recorded her obscene videos. He often threatened her not to disclose anything to anyone, otherwise, he would viral her videos on the social media and to her family. She got frightened and did not disclose anything to her parents, but when she felt pain, she disclosed the entire incident to her parents. On her aforesaid statement FIR was registered under Sections 342, 376, 201 and 506 IPC. During investigation, rough site plan of place of occurrence was prepared. Medical examination of the victim was got conducted. The statement of complainant under Section 164 Cr.P.C. was got recorded. Accused was arrested. After completion of investigation and necessary formalities the challan against the accused was presented for offences punishable under Sections 342, 376, 201 and 506 IPC before the Court of learned Illaqa Magistrate.

3. After finding a prima facie case against the accused, they were charge-sheeted for the offence punishable under Sections 342, 376, 201 and 506 IPC, to which they pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution has examined PW1- Gurdev Singh, PW2- Dr. Gourav Sehthi, Radiologist, PW3-Dr. Satwinder Kaur, PW4-Neeraj Kumar, Manager of Hotel Umeed Grand, Jalandhar, PW5-Senior Constable Sarabjit Kaur, PW6-prosecutrix/ victim, PW7-Deepak Raj, PW8-DSP Rajesh Kumar Sharma, PW9-Retired Inspector Nirmal Singh, PW-10 Sh. Mohinder Partap Singh Libra, Judicial Magistrate Ist Class, Malout, PW11-SI Manju Bala, Investigating Officer, PW12-ASI Bau Dass and PW13-Senior Constable Sunny.

5. Statement of accused under Section 313 Cr.P.C. were recorded in which, all incriminating evidence was put to them, which they denied and pleaded innocence. In their defence evidence, the accused have examined DW1-Lady Constable Amandeep Kaur, DW2 HC Sarabjit Singh, DW3 Anand Singh, Assistant Manager of Newspaper Nawan Zamana, Jalandhar, DW4-ASI Pawan Kumar, DW5-Kala, DW6-Joginder Singh and DW7-Karan Sharma.

6. After considering the evidence on record, learned trial Court found the same to be woefully insufficient to convict the accused who were accordingly acquitted of the offences for which they had been charge-sheeted, vide impugned judgment dated 05.03.2026.

7. Aggrieved of the said decision, present appeal has been filed by the appellant/ prosecutrix challenging acquittal of the accused/ respondents No.2 and 3.

8. Learned counsel for the appellant opened up his arguments with the contention that despite the cogent, reliable and trustworthy evidence adduced by the prosecution, the learned trial Court has erroneously held the prosecution case to be doubtful. From deposition of PW6 prosecutrix and PW4 Neeraj Kumar, Manager of Hotel Umeed Grand, it was duly proved that on the day of occurrence i.e. on 07.10.2022, accused Lovejeet Singh had taken the prosecutrix to the Umeed Hotel at Jalandhar on the pretext of taking interview and had committed rape upon her against her wishes. The prosecutrix was not responsible for the delay caused in registration of the present FIR which fact had been ignored by learned trial Court. The FIR in the present case was registered only after directions were issued by this Court vide order dated 14.11.2022 in CRM-M-52121-2022. Thus, delay in lodging of the FIR occurred primarily due to inaction and failure of the investigating authorities, who initially did not register the same on the complaint of the victim. He further argued that it is the settled law that conviction can solely be based upon the trustworthy testimony of the prosecutrix and absence of any medical corroboration, is not fatal to the prosecution case. He thus prayed that this appeal be accepted, judgment dated 05.03.2026 be set aside and accused be convicted for the offences as charged with and be punished in accordance with law.

9. After having heard learned counsel for the appellant at length and having perused the impugned judgment as well as other relevant record, we are of the considered opinion that prosecution in the instant matter was unable to prove its case against the accused beyond the reasonable doubt.

10. Law in this respect has been well settled by Hon'ble Supreme Court that even solitary statement of prosecutrix is sufficient to prove the

allegations of rape against the accused, if her statement is unblemished, consistent and devoids concoction and if she is a 'sterling witness'.

11. It has been held by Hon'ble the Supreme Court in **Rai Sandeep alias Deepu Vs. State of NCT of Delhi (2012) 8 SCC 21** as under:

“15. In our considered opinion, the ‘sterling witness’ should be of a very high quality and caliber whose version should, therefore, be unassailable. The Court considering the version of such witness should be in a position to accept it for its face value without any hesitation. To test the quality of such a witness, the status of the witness would be immaterial and what would be relevant is the truthfulness of the statement made by such a witness. What would be more relevant would be the consistency of the statement right from the starting point till the end, namely, at the time when the witness makes the initial statement and ultimately before the Court. It should be natural and consistent with the case of the prosecution qua the accused. There should not be any prevarication in the version of such a witness. The witness should be in a position to withstand the cross-examination of any length and howsoever strenuous it may be and under no circumstance should give room for any doubt as to the factum of the occurrence, the persons involved, as well as, the sequence of it. Such a version should have co-relation with each and everyone of other supporting material such as the recoveries made, the weapons used, the manner of offence committed, the scientific evidence and the expert opinion. The said version should consistently match with the version of every other witness. It can even be stated that it should be akin to the test applied in the case of circumstantial evidence where there should not be any missing link in the chain of circumstances to hold the accused guilty of the offence alleged against him. Only if the version of such a witness qualifies the above test as well as all other similar such tests to be applied, it can be held that such a witness can

be called as a 'sterling witness' whose version can be accepted by the Court without any corroboration and based on which the guilty can be punished. To be more precise, the version of the said witness on the core spectrum of the crime should remain intact while all other attendant materials, namely, oral, documentary and material objects should match the said version in material particulars in order to enable the Court trying the offence to rely on the core version to sieve the other supporting materials for holding the offender guilty of the charge alleged."

12. In **Tameezuddln alias Tammu Vs. State (NCT of Delhi), (2009) 15 SCC 566**, it has been held that though evidence of prosecutrix must be given predominant consideration, but to hold that this evidence has to be accepted even if the story is improbable and belies logic, would be doing violence to the very principles which govern the appreciation of evidence in a criminal matter. It has been held as follows:

"9. It is true that in a case of rape the evidence of the prosecutrix must be given predominant consideration, but to hold that this evidence has to be accepted even if the story is improbable and belies logic, would be doing violence to the very principles which govern the appreciation of evidence in a criminal matter. We are of the opinion that story is indeed improbable."

13. Now adverting to the present case, it is to be seen that whether the prosecutrix falls within the definition of 'sterling witness' as projected by Hon'ble Supreme Court. Prosecutrix appeared into the witness box as PW6 in the present case and perusal of her statement reveals that on certain aspects her story belied logic and at times her version is contradictory to the other evidence available on record.

14. First version of the prosecutrix came in her statement Ex.PA made before the police. She also suffered statement under Section 164 Cr.P.C. Ex.PB before learned Magistrate. The perusal of aforesaid statements reveals that version given in those statements is contradictory in some material aspects to her testimony given in the Court while appearing as PW6. In her statement Ex.PA, she stated that on 09.06.2022, she went to Devi Talab Mandir along with her friends at about 10:00 A.M.. After paying obeisance, when they were sitting in the temple then one unknown girl started talking to them and after taking their introduction told them that if any of them wanted to get some government or private job then a person, namely, Lovejeet Singh could arrange the same. On expressing her willingness to arrange some job for her, she took her mobile number. On 05.10.2022, she received a phone call from Lovejeet Singh, who told her that he would arrange a job for her and asked her to come to Jalandhar. Then on 07.10.2022, she reached at Bus Stand, Jalandhar and from the bus stand accused Lovejeet Singh took her in white colour Bolero while saying that an interview was being held at Umeed Grand Hotel, Jalandhar. When they reached in room No.104 at the said hotel, no other girl was present there for interview and when she asked him about the same, then he locked the door of the room forcibly, snatched her phone and transferred the data of her phone to his mobile phone. He started doing immoral acts with her and forcibly removed her clothes and threatened her that if she would not develop physical relations with him he would kill her. When she tried to raise hue and cry, he assaulted her physically. He also prepared her obscene video and threatened her that if she would disclose the same to anybody, then he would make the said video viral to her family. Thereafter, she came

back to her house but did not tell about the occurrence to her parents. Then she moved an application to the police. Her medical examination was got conducted and her statement was also get recorded before the learned Area Magistrate.

15. In her cross-examination, she stated that accused Lovejeet Singh met her for the first time at Devi Talab Mandir on 09.06.2022. For the second time, he met her at Hotel Meet Grand near Garha, Jalandhar, where he had called her.

16. Thus, as per her statement Ex.PA, an unknown girl had made reference of accused Lovejeet Singh to her, when she met her at Devi Talab Mandir on 09.06.2022. She never stated in her statement Ex.PA as stated by her in her cross-examination, that she had met accused Lovejeet Singh there for the first time on 09.06.2022 itself. There is nothing in her statement Ex.PA that on 09.06.2022 accused Lovejeet Singh was also present at Devi Talab Mandir and had met her there. Even this fact is also missing in her examination-in-chief and only during her cross-examination she made the improved version that Lovejeet Singh had met her for the first time on 09.06.2022 itself at Devi Talab Mandir, which raises a strong doubt regarding the veracity of statement of prosecutrix.

17. Admittedly, the victim in this case was a major lady and as per version of the victim she was resident of village Yadpur, District Gurdaspur and represented herself as daughter of Kala resident of village Yadpur. As per copy of Aadhar Card of the prosecutrix produced on record name of guardian has been mentioned as Kala Singh. However, she admitted that Kala was not her real father and she did not know the name of her mother. She was brought up by said Kala since the age of 06 months. On the other

hand said Kala while appearing in the witness box as DW5 denied it and stated that victim was brought to his house by one Harjit Singh, who told him that she was alone and requested him to let her stay for few days. She stayed at his house for about 03 months and later on she got prepared her Aadhar Card mentioning his name as father and at his address without his consent. He moved a complaint regarding it to the police after registration of FIR.

18. DW6 Joginder Singh also resident of village Yadpur supported the version of Kala Singh and stated that they had also got attested the affidavit before Executive Magistrate, Batala regarding the same. As such, nothing has been produced on record by the prosecutrix to prove her identity and her parentage. Trial Court has rightly held that it assumes importance as the victim categorically stated that at the time of occurrence she was living at the said address.

19. The version put forth by the prosecutrix is not probable and belies logic. As per the prosecutrix, some unknown girl, who met her at Devi Talab Mandir had made reference of accused Lovejeet Singh that he could be helpful in getting a job for her. Identity of that unknown girl was not disclosed during the investigation. Only while appearing into the witness box as PW6, the prosecutrix disclosed the name of said unknown girl as Sonia. Thereafter, learned Additional Public Prosecutor moved an application under Section 358 of BNSS mentioning her as wife of Jarmanjeet Singh, one of the accused persons, which was dismissed and that order was also challenged by the victim which was upheld by this Court in the revision petition and said order had attained finality.

20. As per the version of the prosecutrix she belonged to District Gurdaspur and accused Lovejeet Singh belonged to District Amritsar and as such none of them belonged to District Jalandhar. So, it belies logic that why accused Lovejeet Singh called her to Jalandhar on 07.10.2022. It again belies logic that how she identified accused Lovejeet Singh, when she reached at bus stand and why she accompanied accused Lovejeet Singh to Umeed Grand Hotel, Jalandhar, when she was not having any earlier acquaintance with him.

21. The prosecutrix stated that the accused made physical relations with her while threatening to kill her, but nothing had been stated that accused was having any weapon, which created imminent danger to her life and safety. She also stated that when she tried to raise hue and cry then accused assaulted her, but again nothing has been produced on record that she had sustained any injury. Even as per her medical examination that was conducted after the lapse of more than one month and 22 days, there was no injury upon the person of victim.

22. The prosecutrix also stated that accused had prepared her obscene video and had threatened to viral the same if she would disclose about the wrongful act of the accused to anybody, but no such video had seen light of the day, during the investigation or even thereafter, it was not produced on record during the trial. She also stated that during the investigation, the police had taken her mobile phone and had also taken the mobile phone of the accused, but nothing has been produced on record that any such obscene video had been found in the mobile phone of the accused.

23. The prosecutrix while appearing as PW6 stated in her cross-examination that she had not given any copy of her Aadhar Card at the

hotel. PW4 Neeraj Kumar, Manager of Hotel Umeed Grand, Jalandhar, brought on record the registration card Ex.P7/ PW4 which found mention that accused Lovejeet Singh checked in the hotel on 07.10.2022 at about 11:35 A.M. There were two adult persons and photocopy of their Aadhar Cards had also been attached with the record i.e. Aadhar Card of Lovejeet Singh and of the victim. As such, it falsifies the stand of the victim that she had not given her Aadhar Card at the hotel. Rather, it demolished the entire version of the victim and it shows that she willingly accompanied the accused to the said hotel and also provided her identity proof for getting a room in the hotel and as such was a willing party.

24. It is also pertinent to note that after she came out from the hotel room she did not disclose about her alleged rape to anybody. Though in her cross-examination, she stated that she had made a complaint to Manager of hotel regarding the accused on the same day i.e. 07.10.2022 and accused had run away from there, yet there is no evidence on record that she had made any such complaint against the accused regarding the alleged occurrence. It was admitted that she was not in possession of any such complaint filed by her to the Senior Superintendent of Police, Batala. After the occurrence she went back to her house. She has not stated that she was under some constant fear from the accused and she remained under his constant supervision/ vigil.

25. Thus, it has been revealed that after the alleged occurrence on 07.10.2022, she never made any complaint to the police or to some other person and it appears that she voluntarily went to the said hotel room along with accused and provided her identity proof at the hotel and thereafter, after leaving the hotel, victim and accused went to their respective houses.

Nothing has been brought on record to prove that she had filed any complaint against the accused on 07.10.2022, as alleged by her. When it has come on record that Kala Singh and Lovely Kaur were not parents of the prosecutrix and she had stayed with them only for some time, it is not explained that where the prosecutrix had gone after the alleged occurrence on 07.10.2022.

26. As per Ex.PW11/1, the prosecutrix moved a complaint against the accused at Police Station Division No.7, Jalandhar on 11.10.2022, which was enquired into by Lady SI Manpreet Kaur on 12.10.2022. On 12.10.2022 the prosecutrix suffered statement that she did not want to take any action on her application and it may be consigned. Both the parties entered into compromise and rapat No.35 dated 12.10.2021 was entered regarding it. Thus, the prosecutrix moved complaint against accused Lovejeet Singh on 11.10.2022 and on the very next day i.e. 12.10.2022, she got compromised the matter with the accused, which has been produced on record as Ex.DW2/1. It was signed by the victim, Kala Singh, Lovely Kaur, accused Lovejeet Singh and other witnesses. DDR was also entered regarding it at Police Station Division No.7, Jalandhar which is GD No.35 dated 12.10.2022. After 12.10.2022, the prosecutrix did not initiate any action against the accused and remained silent for a long time. Thereafter, she moved this Court and filed a writ petition for directing the police authorities to register a case regarding the said occurrence which was disposed of vide order dated 14.11.2022 of this Court. In the aforesaid writ petition, it was specifically alleged that she had lodged a complaint dated 08.10.2022 with Senior Superintendent of Police, Gurdaspur, who had not registered the FIR against the accused Lovejeet Singh, as the alleged occurrence had taken

place at Jalandhar. So, Senior Superintendent of Police, Jalandhar was directed to look into the matter for doing the needful. The present case was registered against the accused on 28.11.2022 treating her writ petition as representation to the Senior Superintendent of Police, Jalandhar. While filing the aforesaid writ petition before this Court, the prosecutrix intentionally did not mention regarding the application moved by her at Police Station Division No.7, Jalandhar on 11.10.2022 and regarding the compromise dated 12.10.2022 and GD No.35 dated 12.10.2022. Though she mentioned regarding the application moved by her on 08.10.2022 to Senior Superintendent of Police, Gurdaspur, but no such application was produced on record. Even during her statement she denied the aforesaid compromise effected at police station Division No.7, Jalandhar. It shows that she intentionally concealed the fact regarding her application moved to the police station Division No.7 on 11.10.2022 and the compromise arrived at on 12.10.2022.

27. The prosecutrix admitted that she had been using mobile with different SIM numbers and she had been using about seven SIM numbers within a short period of 2-3 years. Usually a reasonable person does not change the SIM so frequently, which raises a doubt about her conduct and also makes her entire version doubtful.

28. It appears that accused Jarmanjeet Singh was falsely implicated in the present case being brother of accused Lovejeet Singh. Even after registration of the present case, she tried to involve the entire family of accused and named Sonia wife of Jarmanjeet Singh, as said unknown girl, who had made reference of accused Lovejeet Singh on 07.10.2022 at Devi Talab Mandir.

29. There is delay of one months and 22 days in lodging of the FIR in the present case, as the alleged occurrence took place on 07.10.2022 and FIR in the present case was registered on 28.11.2022. As per the evidence on record, the prosecutrix never approached the police authorities till 11.10.2022. No alleged complaint dated 08.10.2022 moved to Senior Superintendent of Police, Batala has been produced on record. She also denied the compromise dated 12.10.2022 reached at Police Station Division No.7, Jalandhar. Even, if it is presumed that the aforesaid compromise have been entered into by the prosecutrix under some pressure, but later on also, she did not move any application before any police authorities for taking action against the accused by stating that the aforesaid compromise had been the result of pressure exerted upon her. As such, the prosecutrix had taken contradictory stand regarding approaching the police authorities relating to the present occurrence.

30. In the facts and circumstances of the present case, the sole version of the prosecutrix cannot be taken as the gospel truth on its face value, in the absence of any supporting evidence, as she does not appear to be a sterling witness. The prosecution has not been able to prove its case beyond the pale of reasonable doubt against the accused persons.

31. The trial Court has rightly reached at the conclusion that the entire evidence of the prosecution since does not hold strength and same is unworthy of credence and is insufficient to bring home the guilt of the accused, beyond the reasonable doubt.

32. It is the settled law that an order of acquittal is not to be interfered with lightly because presumption of innocence of the accused is further strengthened by acquittal. Gainful reference in this regard can be

made to a judgment of Hon'ble the Supreme Court in **Pudhu Raja and another vs. State, Rep. By Inspector of Police** reported as **2013 (1) SCC (Cri) 430**, wherein it has been held as under :-

“7. The law on the issue of interference with an order of acquittal is to the effect that only in exceptional cases where there are compelling circumstances and the judgment in appeal is found to be perverse, the appellate court can interfere with the order of the acquittal. The appellate court should bear in mind the presumption of innocence of the accused and further that the trial courts acquittal bolsters the presumption of innocence. Interference in a routine manner where the other view is possible should be avoided, unless there are good reasons for interference.”

33. Learned counsel for the appellant was unable to point out any illegality, infirmity or perversity in the impugned decision dated 05.03.2026 which calls for any interference.

34. In view of the above, the appeal being bereft of any merit is dismissed with impugned judgment dated 05.03.2026 passed by learned trial Court being upheld.

35. Pending applications, if any, also stand disposed of.

(SUKHVINDER KAUR)
JUDGE

(VINOD S. BHARDWAJ)
JUDGE

17.07.2026

Komal

Whether speaking/reasoned? : Yes/ No
Whether reportable? : Yes/ No