



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

CRA-AD-175-2024 (O&M)

Date of Decision: September 11, 2025

‘U’ (name withheld)

.....Appellant (s)

Vs.

Harjeet Singh @ Bagga and another

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MRS. JUSTICE RAMESH KUMARI**

Present: Mr. P.K.S Phoolka, Advocate for
for the appellant/prosecutrix/complainant.

Respondent No.1 produced in custody with counsel
Mr. Amandeep Chhabra, Advocate
Mr. J.P.S. Brar, Advocate (through VC)

Ms. Sandisha, AAG Punjab.

RAMESH KUMARI J.

1. The present appeal is preferred by the appellant/complainant/prosecutrix (hereinafter referred as ‘prosecutrix’) under Section 378(4) Cr.P.C. (corresponding Section 419(4) of B NSS) by the PW-1 prosecutrix against the judgment of acquittal dated 16.02.2024 rendered by the then learned Judge, Special Court, Bhatinda, Punjab in case FIR No.71, dated 19.05.2022 registered under Sections 376, 506 IPC at Police Station Cantt. District Bhatinda, whereby respondent No.1/accused Harjeet Singh @ Bagga (hereinafter referred as accused) is acquitted of charges framed against him under Sections 376(2) and 506 IPC.



CRA-AD-175-2024

FACTS OF PROSECUTION CASE

2. (i) The facts of the case of the prosecution are that letter Ex. PW-2/A bearing No.12.05.2022 from Army authorities was received by SSP, Bhatinda, *inter alia*, alleging that PW-2 GS (name withheld being husband of prosecutrix, in order to conceal the identity of prosecutrix) is serving in the Army and deployed in Jammu, his family is residing in 'BM' (name of place withheld), Tehsil 'N' (again name of place withheld, to conceal the identity of prosecutrix). In the letter Ex. PW-2/A, it was alleged that Bagga Singh son of Sewak Singh (respondent No.1) is black-mailing his wife for the last three months. He is repeatedly using abusive language and issuing threats to the family of solider due to which PW-2 'GS' is unable to perform his duties being under extreme stress. The said application was marked vide Endorsement Ex. PW-6/A to DSP (Crime against Women), Bhatinda, and further marked to SI Deepinder Kaur vide Endorsement Ex. PW-6/B. SI Deepinder Kaur recorded the statement of prosecutrix vide Ex. PW-1/A in the presence of her husband PW-2 'GS', and recommended registration of FIR vide her report Ex. PW-6/C dated 12.05.2022 and submitted to DSP, who proved her report vide separate report Ex. PW-6/D dated 14.05.2022 sent to SSP Bhatinda, thereupon, SSP Bhatinda recommended SHO, PS Cantt for registration of FIR and FIR Ex. PW-6/E was registered.

2. (ii) The PW-1 prosecutrix in her statement Ex.PW-1/A to SI Deepinder Kaur, alleged that they had constructed PG near Sant Kabir Girls college, Adesh Hospital, where Bagga Singh was working as a labourer. About two months ago, ants came over her body and she went to a room to change her clothes, where accused Bagga Singh followed her and raped her. He threatened



that if she disclosed the occurrence to anyone, he would kill her family. She got scared and did not disclose the occurrence to anyone. Thereafter, accused started sexually exploiting her. On 30.04.2022, she told about the occurrence to her husband, who thereafter reported the matter to his Battalion Commander whereupon letter was sent to the SSP, Bathinda for initiating action against the accused.

INVESTIGATION

3. After registration of FIR Ex. PW-6/E, the statement of the prosecution Ex.PA under Section 164 Cr.P.C. was also got recorded before learned JMJC.

Prosecutrix was medically got examined on 27.05.2022 and PW-4 Dr. Harneet Jaura, issued MLR PW-4/A. She also took the medical sample of prosecutrix and handed over the same to police.

On 10.06.2022 PW-7 -ASI Jasbir Singh recorded the statement of PW-2 'GS'. On 02.07.2022, accused was arrested and formal memo of arrest PW-7/A and personal search memo PW-7/E were prepared.

Accused was got medically examined on 03.07.2022 from PW-3/DR. Deep Rattan and he issued MLR PW-3/A regarding the potency of accused and gave the opinion that "there is nothing to suggest that Harpreet Singh @ Bagga is unable to perform the act of sexual intercourse". He also took the blood sample of the accused and handed over to the police vide Memo PW-7/C.

During the course of the investigation, medical samples of accused and prosecutrix were deposited with MHC, who sent the same to FSL. DNA report PX was obtained.



The ownership record in the form of report PW-7/E from *Patwari* regarding the place of alleged occurrence, was also obtained.

PRESENTATION OF CHALLAN AND COMMITMENT PROCEEDINGS

4. After completion of investigation, report under Section 173 Cr.P.C. was presented against accused in the Court of learned Illaqa Magistrate.

The learned Illaqa Magistrate complied with Section 207 Cr.P.C. by supplying copies of challan form and accompanying documents to the accused and committed the case to the Court of Sessions vide order dated 08.09.2022.

CHARGES

5. Finding a *prima facie* case under Sections 376(2), 506 IPC, accused was charged under these sections vide order dated 22.09.2022 to which accused pleaded not guilty and claimed trial.

During trial, prosecution examined eight witnesses. On 15.12.2023, prosecution closed the evidence.

STATEMENT OF ACCUSED

6. The statement of accused was recorded under Section 313 Cr.P.C. and incriminating circumstances appearing in evidence was put to him to which he pleaded false implication and claimed innocence. He took the plea that he has no concern with the present case. He had not committed any forceful sexual assault on prosecutrix. The allegations levelled by PW-2 'GS' and prosecutrix are false and fabricated. The prosecutrix has levelled false allegations of possession of fire-arms and videos to harass him. The allegation of bleeding are



found to be false from examination of prosecutrix. Without examining any evidence, accused closed the defence evidence.

POINT FOR DETERMINATION FRAMED BY LD. TRIAL COURT

7. Learned trial Court formulated the following point for determination:

“Whether two months before 30.04.2022, accused has been repeatedly and continuously committed rape with the prosecutrix without her consent and against her will and criminally intimidated her with dire consequences.”

After hearing learned Additional Public Prosecutor and defence counsel and perusal of oral and documentary evidence, learned trial Court came to the conclusion that accused is falsely implicated. Prosecution failed to prove the charged offences against the accused. Point for determination was decided against the prosecution and accused was acquitted of charges.

CONTENTION OF PROSECUTRIX COUNSEL

8. Learned counsel for the prosecutrix has challenged the acquittal of accused *inter alia* on the following grounds and contended that:-

- i. that the judgment of acquittal is erroneous in law and on the facts of the case;
- ii. that the judgment of acquittal is against law and fact and is based upon mere conjectures and surmises;
- iii. that the prosecution case is duly proved as it led to stringent and cogent evidence and
- iv. learned trial Court ignored the facts and circumstances and version of the prosecutrix and other witnesses and giving due weightage to the testimonies and other evidence in totality, erred in acquitting the accused, whereas the prosecutrix has in her statement brought home the guilt of the accused. In support of his



contention, learned defence counsel relied upon the testimony of prosecutrix recorded in the Court ;

v. Medical evidence also supported the version of prosecution and ingredient of offence punishable under Section 376 IPC, are proved and that

vi. accused failed to rebut the prosecution allegation and cannot be acquitted and he is liable to be convicted.

Learned counsel for the prosecutrix prayed for setting aside the judgment of acquittal and conviction of accused under Sections 376 and 506 IPC.

CONTENTION OF DEFENCE COUNSEL

9. Sh. Amandeep Chhabra, Advocate and Sh. J.P.S. Brar, Advocate through VC contended that the statement of prosecutrix and her husband are not trustworthy. The learned trial Court scrutinized the statement of PW-1 prosecutrix and her husband-PW-2'GS'. The discrepancies in their testimonies are pointed out by learned trial Court in its well reasoned judgment. PW-1 prosecutrix in her testimony before the Court made a lot of improvements which are also noted down by learned trial Court while appreciating the evidence. Therefore, they vehemently prayed for dismissal of the appeal.

STATEMENT OF PROSECUTION WITNESSES

10. As observed earlier, the prosecution has examined eight (08) witnesses.

(i) PW-1 is prosecutrix herself and PW-2 is her husband 'GS'. On the complaint of PW-2 'GS', letter Ex.PW-6/A was written by PW-8 Major Akash Bansal on behalf of Commanding Officer of their Battalion in their official capacity. This fact is proved by PW-8-Major Akash Bansal, who stated that

**CRA-AD-175-2024**

PW-2 'GS' was working as Lance Hawildar in his Unit and requested him in official capacity to bring his personal difficulty to the notice of SSP Bathinda so that his case can be taken on priority basis and he wrote letter Ex.PW-2/A.

ii) PW-6 SI Rupinder Kaur proved endorsements on letter Ex.PW-2/A, of recording statement Ex.PW-1/A of PW-1, recommended registration of FIR and get prosecutrix medically examined. She proved following documents in her statement in Court:-

- a) Ex.PW-6/A - Endorsement of SSP on letter (PW-2/A) vide which inquiry was marked to Ms. Heena Gupta, DSP
- b) Ex.PW-6/B - Endorsement vide which inquiry was marked to her by Ms. Heena Gupta, DSP
- c) Ex.PW-1/A - Statement of PW-1 prosecutrix.
- d) Ex.PW-6/C - her report for recommending registration of FIR.
- e) Ex.PW-6/D - Report of DSP Heena Gupta, approving her report PW- 6/C for recommendation of registration of FIR.
- f) Ex.PW-6/E - FIR

iii) PW-4-Dr. Haneet Jaura medically examined PW-1 and proved MLR Ex.PW-4/A. She also took medical sample of PW-1 and handed over the same to the police. She also proved DNA report Ex.'PX' and specifically stated that as per DNA report, no human semen was detected in the vaginal swabs of the prosecutrix, so in her opinion, possibility of sexual assault could not be ruled out with the prosecutrix.

iv) PW-3 Dr. Deep Rattan medically examined the accused and proved the MLR Ex.PW-3/A and deposed about capacity of accused to perform



sexual intercourse. He also took into possession blood sample of accused and handed over same to the police.

v) PW-7-ASI Jasveer Singh arrested the accused and also got the accused medico-legally examined.

vi) PW-6 recorded statement of PW-2 'GS' under Section 161 Cr.P.C. and he arrested the accused. He also obtained report of ownership of house regrading the place of occurrence. He proved following documents:-

- a) Ex.PW-7/A - Memo of arrest of accused.
- b) Ex.PW-7/B - Memo of personal search of accused.
- c) Ex.PW-7/C - Memo vide which he took into possession the blood sample of accused.
- d) Ex.PW-7/D - Application for getting the report regarding ownership of place of occurrence.
- e) Ex.PW-7/E - Report of *Patwari* regarding the ownership of and possession of place of occurrence by prosecutrix as per her share.

vii) PW-5, ASI Rajinder Kaur proved the link evidence. She got PW-1 prosecutrix medico-legally examined from Civil Hospital, Bathinda, directed Lance Gaganpreet Kaur to get the medical sample of prosecutrix from doctor and deposited the same with the MHC, prepared site plan Ex.PW-5/A. She also took into possession medical sample of prosecutrix from Lance Gaganpreet Kaur vide memo Ex.PW-5/B and deposited the same with the MHC.

Since in the DNA report Ex.PX human semen was not deducted in the vaginal swabs of prosecutrix, therefore, statement of PW-5, ASI Rajinder Kaur is not of much importance.



viii. The most important is that testimony of prosecutrix herself. Her evidence is carefully scrutinized by the learned trial Court. Her statement reveals that she is married woman and having two children and her husband PW-2 is posted in Jammu as Havildar. She in her statement before the Court on Oath deposed as under:-

“We were constructing a paying guest house near Sant Kabir Girls College near Adesh Hospital, where accused Harjeet Singh @ Bagga Singh used to come and work as labourer. I used to look after the construction work at the site. Sand was lying at the spot due to construction work. On one day, I was attacked by number of aunts on my body and they were all over my body and clothes and started to bite me. I went inside a room which has not gate as construction work was going for removing the aunts and I started to undress myself for that purpose then suddenly accused Bagga Singh came from behind and forcefully overpowered me and then committed the rape with me against my consent and will be at the said place. I even tried to raise the alarm but the accused had overpowered me and even the accused made the video of the rape committed by him with me in his mobile phone. The accused was carrying a pistol and he threatened me that if I disclosed about the said incident to anyone then he will kill me and my family and he also made viral the above video recorded by him of the rape so I could not tell anyone about the The incident earlier being under the fear of the accused. The accused started to black mail me and then committed rape with me on many occasions by blackmailing me and threatening me. Accused used to consume some intoxicant substances before committing rape with me and then after consuming the same, committed rape with me many times. The accused had raped me in such a manner on many occasions that even bleeding had started from my private parts. Then on 30.04.2022, I gathered myself and told about the said incident to



my husband about rape and blackmailing by accused Bagga Singh. My husband told about the said incident to superior officer and they had written a letter to police in this regard. Police then recorded my statement Ex.PWI/A regarding the said incident which bears my signature at Point A and said statement was attested by my husband by putting his signature at Point B. Police visited the place of occurrence, where accused committed rape with me. I had been shown the place of occurrence to the police. The police had taken me before the doctor at CH Bathinda, where my medical examination was conducted. Accused had firstly committed rape with me in the month of February 2022 and thereafter committed repeatedly/rape with me against my will and consent. Accused continuously blackmailed and then raped me on the pretext of making viral my videos and photos in which he committed the rape with me and also demanded money from me. I was also produced before Ld. Illaqa Magistrate for getting recorded statement/U/S 164 Cr.P.C.”

She also proved her statement recorded under Section 161 Cr.P.C
vide Ex.‘PA’.

ix) PW-2 ‘GS’ in his examination-in-chief deposed about the facts
whatever was narrated to him by PW-1 prosecutrix.

SCRUTINY OF STATEMENT OF PROSECUTION WITNESSES AND ANALYSIS

11. (i) PW-1 is subjected to cross-examination and the learned trial Court
rightly pointed out in para No.14 of the impugned judgment, regarding the
improvements made by her while recording her testimony in the Court, i.e.
which is not stated by her in her statement Ex.PW-1/A recorded by PW-6 SI
Rupinder Kaur and in her statement Ex.PA recorded under Section 164 CR.P.C,
which are as follows:-



- “a) That the accused overpowered her and made a video of the rape in his mobile phone.*
- b) That the accused was carrying a pistol with him at the time of occurrence.*
- c) That the accused threatened her to disseminate her video.*
- d) That the accused committed rape with her in the month of February, 2022, however, the month is missing in her previous statement.*
- e) That the accused blackmailed her and continuously raped her on the pretext of disseminating her video and photographs.*
- f) That she tried to raise alarm but accused overpowered her.*
- g) That the accused raped her violently on many occasions.*
- h) That even bleeding occurred from her private parts.”*

11.(ii) During cross examination, PW-1 prosecutrix admitted the following facts:-

- a) On the first floor of the PG, there are two rooms;
- b) her nephew S used to work and visit the construction site though he, later on, stopped overlooking the work;
- c) number of other persons and mason used to work at the construction site.
- d) in the month of March, 2022, 'Akand Path' was-organized to open the restaurant in the building, where her relatives and friends came and attended;
- e) her husband keeps mobile phone even at the station of his posting and she had been regularly in touch with him;
- f) the building is surrounded by main road, 2-3 other paying guests and 6-7 grocery shops;
- g) her house is situated in densely populated area she used to visit PG at 8.00 AM and stayed there till 5.00/6.00 PM;



- h) She did not raise hue and cry when she was attacked by the ants;
- i) 3-4 labourers were present at the PG on the day of occurrence;
- j) she did not raise any alarm when the accused came from behind and caught hold of her;
- k) PW-1 also during cross-examination stated that accused was not expelled from the work after the first occurrence of sexual assault and he kept reporting for work on the following days;
- l) she did not move any application, when the accused demanded money from her and
- m) Army officials and their families have free medical treatment but she did not visit Cantt. Hospital for the treatment of her bleeding. She did not visit any doctor regarding the bleeding in her private parts.

Had the accused committed the alleged offence, PW-1 would have informed her husband telephonically because PW-2 when subjected to cross-examination stated that he used to speak with his wife during the days of occurrence on regular basis.

PW-2 'GS' also stated that accused was employed by him in December, 2021 and from December, 2021 to 1st May, 2022, he (PW-2) visited his house twice. Therefore, prosecutrix had the occasion to inform her husband when he visited home but her silence speaks volumes against her. Had the occurrence of commission of offence of rape of PW-1 taken place in February 2022, and continued till April 2022, PW-1 would have informed her husband about it, when he visited the home. Therefore, learned trial Court rightly doubted the testimony of PW-1 prosecutrix that she did not disclose the



occurrence to her husband during those occasions despite having ample opportunity and this weaken her testimony in the Court.

PW-2 'GS' also admitted that 4-8 persons including labourers and mason were employed for construction of the PG. Prosecutrix could have raised alarm as 3-4 other labourers were present there and it is entirely impossible that a labourer would have indulged in sexual intercourse with the prosecutrix in a densely populated area time and again without any protest from prosecutrix. Had the offence been taken place, she could have informed her nephew 'S'.

Moreover, had the alleged offence being committed by the accused, PW-1 would have expelled him from work but he continued attending the construction work. This also belies the allegation of rape against the accused.

Had she been suffering from any bleeding from her private part due to the alleged commission of offence of rape, she would have approached the medical authority of Cantt. Hospital.

11.(iii) PW-1 prosecutrix during cross examination also stated that the accused was holding the pistol in one hand and the mobile phone in other hand and caught hold of her from behind. It is entirely impossible that a person would hold a pistol in one hand, mobile in another and caught hold her from behind and indulged in sexual act and also to film it. Her evasive replies further creates doubts in her testimony. She expressed ignorance whether the room on the first floor was given on rent to two girls and they used to reside on the first floor in the month of January, 2022. She is also evasive whether her husband visited her on 06.03.2022. PW-1 prosecutrix expressed ignorance that wife of



accused moved an application to the police authority regarding her and accused. She during cross-examination stated that, "*I cannot state whether on 03.05.2022, the accused made a call to her and there was long conversation between them.*" Meaning thereby, she had not denied her long telephonic conversation with the accused. Her long telephonic conversation with the accused without any reason and justification, also belies the allegation of rape against the accused.

11.(iv) PW-1 prosecutrix during cross-examination, stated that she used to commute by bus and but denied that accused used to pick her from her house, whereas PW-2 'GS' stated that accused used to pick his wife from his house couple of times to drop her at the PG. PW-2 'GS' further stated that accused used to take his children for providing medicines at Garg Hospital couple of times. PW-2 also stated that he and his wife were regularly in touch with the accused and other labourers during the time of construction. This proved the proximity of accused with PW-1 prosecutrix. PW-2 'GS' is evasive to disclose the name of wife of the accused as well as expressed ignorance and further admitted that he had conversation with the wife of the accused couple of times. He is also evasive as to whether the wife of accused moved an application against his wife and the accused.

11. (v) The above said scrutiny of statements of PW-1 prosecutrix and PW-2 'GS' proved that their testimonies are not trustworthy. For the purpose of conviction of the accused for the offence of rape on the basis of sole testimony of the prosecutrix, the evidence has to be of sterling quality, unassailable, highly credible and inherently truthful, which can be accepted at its face value without hesitation and in the absence of any corroboration. The evidence of



PW-1 lacks truthfulness and consistency. She failed to withstand strenuous cross-examination, which creates doubt in her testimony. Her evasive replies about the complaint moved by wife of the accused against accused and her failure to inform about the occurrence to her husband when he visits her from February 2022 to April 2022 creates doubts in her testimony, on the other hand proved that her statement is not truthful and consistent. She made a lot of improvements as discussed above and also noted down by learned trial Court. The learned trial Court after carefully scrutinizing examination-in-chief and cross-examination of PW-1 prosecutrix and PW-2 'GS' rightly came to the conclusion that PW-1 prosecutrix had been in a voluntary relationship with the accused and the learned trial Court rightly comes to the conclusion that relationship of PW-1 with accused was consensus and no force or violence was used by the accused.

12. Moreover, it is basic principle of criminal jurisprudence that accused is proved to be innocent unless proves contrary. Judgment of acquittal in favour of accused further fortifies innocence in his favour.

The Reference can be to the observations by Hon'ble the Supreme Court in ***Harijana Thirupala and others V/s. Public Prosecutor, High Court of A.P. reported in AIR 2002 Supreme Court p. 2821*** and in the case of ***Kunju Mohammed V/s. State of Kerala reported in JT 2003 (7) SCC 114***. The Apex Court in the above cases has held as under:

"Doubtless the High Court in appeal either against an order of acquittal or conviction as a Court of first appeal has full power to review the evidence to reach its own independent conclusion. However, it will not interfere with an order of acquittal lightly or merely because one other view is possible, because with the



passing of an order of acquittal presumption of innocence in favour of the accused gets reinforced and strengthened. The High Court would not be justified to interfere with order of acquittal merely because it feels that sitting as a trial Court would have proceeded to record a conviction: a duty is cast on the High Court while reversing an order of acquittal to examine and discuss the reasons given by the trial court to acquit the accused and then to dispel those reasons. If the High Court fails to make such an exercise the judgment will suffer from serious infirmity."

Further the Hon'ble Apex Court in ***Jafarudheen and others V/s. State of Kerala, (2022) 8 SCC 440*** in para 25 held that :-

"25. While dealing with an appeal against acquittal by invoking Section 378 of the Cr.PC, the Appellate Court has to consider whether the Trial Court's view can be termed as a possible one, particularly when evidence on record has been analyzed. The reason is that an order of acquittal adds up to the presumption of innocence in favour of the accused. Thus, the Appellate Court has to be relatively slow in reversing the order of the Trial Court rendering acquittal. Therefore, the presumption in favour of the accused does not get weakened but only strengthened. Such a double presumption that ensues in favour of the accused has to be disturbed only by thorough scrutiny on the accepted legal parameters".

In ***Ramesh Babulal Doshi vs The State Of Gujarat*** reported in 1996(9) SCC 225 in para-7, Hon'ble Supreme Court held that :

"7. Before proceeding further it will be pertinent to mention that the entire approach of the High Court in dealing with the appeal was patently wrong for it did not at all address itself to the question as to whether the reasons which weighed with the trial



Court for recording the order of acquittal were proper or not. Instead thereof the High Court made an independent reappraisal of the entire evidence to arrive at the above quoted conclusions. This Court has repeatedly laid down that the mere fact that a view other than the one taken by the trial Court can be legitimately arrived at by the appellate Court on reappraisal of the evidence cannot constitute a valid and sufficient ground to interfere with an order of acquittal unless it comes to the conclusion that the entire approach of the trial Court in dealing with the evidence was patently illegal or the conclusions arrived at by it were wholly untenable. While sitting in judgment over an acquittal the appellant Court is first required to seek an answer to the question whether the findings of the trial Court are palpably wrong, manifestly erroneous or demonstrably unsustainable. If the appellant Court answers the above question in the negative the order of acquittal is not to be disturbed. Conversely, if the appellant Court holds, for reasons to be recorded, that the order of acquittal cannot at all be sustained in view of any of the above infirmities it can then - and then only - reappraise the evidence to arrive at its own conclusions. In keeping with the above principles we have therefore to first ascertain whether the findings of the trial Court are sustainable or not".

In ***Mahavirsinh V/s. State of Madhya Pradesh*** reported in **2016 (10) SCC 220**, the Apex Court in para-12 cautioned that the High Courts to remain very cautious in interfering with any appeal against acquittal unless there are compelling and substantial grounds to interfere with the order of acquittal.

In ***Murugesan v. State, I(2012) 10 SCC 383: (AIR 2013 SC 274)*** it is categorically held by Hon'ble Apex Court that only in cases where conclusion recorded by the trial court is not a possible view, then



only the High Court can interfere and reverse the acquittal to that of conviction. In the said judgment, distinction from that of "possible view" to "erroneous view" or "wrong view" is explained. And it is held that if the view taken by the trial court is a "possible view", the High Court is not to reverse the acquittal to that of the conviction.

13. On careful scrutiny of testimonies of prosecutrix (PW-1) and PW-2 'GS', we are of view that the evidence led by the prosecution before the learned trial Court is not sufficient to prove the guilt against the accused. Had she been allegedly raped by accused, she would have approached the police then and there and would have got herself medically examined and would have informed her husband when he visits home, would have expelled accused from work, would have cut off her relationship with him, would not have allowed him to take her children to provide medical care. There is delay of two months in registration of FIR which is un-explained. She was allegedly sexuall assault in February 2022 whereas her husband remained with her twice or thrice from December 2021 to April 2022, this also negates the allegations of sexual assault/rape. Wife of accused had already moved application against the prosecutrix and accused. The learned trial Court rightly held that the relationship of prosecutrix with the accused was consensus and there is no other view possible except the view in favour of innocence of the accused and no interference in the judgment of learned trial Court is called for.

14. In view of the above, we are of the considered view that the learned trial Court committed no illegality in acquitting the accused.



15. Accordingly, the appeal filed by the appellant is devoid of merit, and is **dismissed**. The judgment of acquittal dated 16.02.2024 passed by the learned Judge, Special Court, Bathinda, is hereby upheld. Accused who is produced in custody today in the Court, be set at liberty.

16. Pending application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(RAMESH KUMARI)
JUDGE

September 11, 2025
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Whether speaking/reasoned: Yes / No
Whether reportable: Yes / No