

2026:PHHC:109418



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

105

**Reserved on:03.07.2026
Pronounced on 31.07.2026**

1.

CRA-S-546-SB-2005

DHANWANT SINGH

.... Appellant

Versus

STATE OF PUNJAB

.... Respondent

2.

CRR-776-2005 (O&M)

NAVDEEP KAUR

.... Appellant

Versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

3.

CRM-M-51871-2005

NAVDEEP KAUR

.... Appellant

Versus

BABA DHANWANT SINGH

.... Respondent

CORAM: HON'BLE MRS. JUSTICE RAMESH KUMARI

Present : Mr. Tejinderbir Singh, Advocate
for the appellant in CRA-S-546-SB-2005.

Mr. Siddharth Attri, AAG, Punjab.

Mr. Navkiran Singh, Advocate with
Mr. Harmeet Singh, Advocate for the complainant in
CRA-S-546-SB-2005 and for the petitioner(s)
in CRR-776-2002 and in CRM-M-51871-2005.

2026:PHHC:109418



RAMESH KUMARI, J. (oral)

1. This order shall dispose of all the above noted three cases as the same are instituted against common judgment of conviction and order of sentence dated 29.01.2005 passed by learned Additional Sessions Judge, Fast Track Court Rohtak, Hoshiarpur whereby the appellant-Dhanwant Singh (hereinafter referred as accused) has been convicted for the charge that on the intervening night of 25/26.11.2000 at about 2:30 PM in the area of village Kot Pallian, Jhikki, he committed rape upon ‘P’ daughter of ‘HS’ and is sentenced in a criminal case arising out of First Information Report as detailed hereinunder:-

FIR No. and date	Section	Police Station	Substantive sentence	Fine	In default of payment of fine
143/29.08 .2002	376 IPC	Garshankar	R.I. for 10 years	Rs.10,000/-	S.I for one year

2. The appeal (CRA-S-546-SB-2005) has been filed by the accused his acquittal. CRM- 776-2025 has been filed by victim for enhancement of sentence to accused. CRM-M-51871-2005 has also been filed by the victim for grant of compensation to her.
3. The above referred police case had been registered on the basis of complainant Ex. PA moved by the father of the victim (names of the victim and her father are withheld to conceal their identity, however, the father is hereinafter referred as ‘HS’ and victim as ‘P’/victim). ‘HS’ in his complaint Ex. PA against the accused submitted to Inspector General of Police, Zonal, Jalandhar through Senior Superintendent of Police, Nawanshahr alleged that accused was

2026:PHHC:109418



running a dera under the name of Noor Vishav Roohani Charitable Trust at village Palli Jhikki. On the last Saturday and Sunday of every month, accused used to hold a congregation of people to preach religious studies. 'HS' also used to attend such mass congregation to listen the religious discourse from the last 16/17 years and was devotee follower of the accused. As such the family relations developed between 'HS' and the accused. 'HS' used to consult the accused on each and every family affair. In the month of September, 2000, 'P' the daughter of complainant got admission in an institute at Patiala for doing diploma in Nursing. She started living in hostel at Patiala but later on she felt home sick and told about the same to him and she made up her mind to drop the diploma course. Upon this, 'P' was advised by her parents not to do so as it was not for her benefit. 'HS' narrated the entire tale to the accused. Then, accused rang up 'P' and advised her to contact him personally to discuss. On 25.12.2000, 'P' reached the *dera* of accused at Kot Pallian as her mother was already there. But no talk took place with the accused during that time. 'H' her mother let 'P' stay alone at the dera and she herself left for her village. 'P' stayed at the *dera* and slept there. At about 2:30 AM, accused called 'P' in his room and committed rape upon her. She did not disclose about the occurrence to anybody and left for Patiala straightway. On 30.12.2000, 'P' came to her residence to see her parents. Her parents again took her to the *dera* of the accused. On the next day when the PW1 HS was taking 'P' to the hostel towards Ludhiana, on the way 'P' told the entire incident to her father/complainant. PW1 'HS' brought the matter to the notice of PW5 Hari Singh s/o of Kartar Singh of Nawanshehr who is one of the trustee of the *dera*.

2026:PHHC:109418



PW5 Hari Singh assured the PW1 'HS' that he would talk about the incident to other members and to verify about the facts. PW5 Hari Singh discussed the matter with the accused who admitted his guilt. For fear of defamation, 'HS' did not bring it to the notice of Police rather approached the convener of Khalsa Panchayat, Chandigarh, namely PW4 Rajinder Singh who advised PW1 'HS' to approach Jathedar of Sri Akal Takhat as it is a serious matter. PW1 'HS' complained to Sh. Joginder Singh Vedanti, Jathedar of Akal Takhat. But it was in vain. Ultimately, he filed a complaint Ex. PA to the police authorities.

4. Inquiry was conducted on the complaint Ex. PA. Enquiry report Ex. PJ of Senior Superintendent of Police to Inspector General Police, Jalandhar Zone was submitted. After submission of inquiry Ex. PJ, Ex. PN letter No. 9237 of 29.08.2002 was received from I.G. Zonal (II), Jalandhar and FIR Ex. **PJ/1** was registered. SI/S.H.O. Swaran Singh PW7, visited the place of occurrence, prepared rough site plan Ex. PK. PW12 Jasbir Singh prepared scaled site plan Ex. PM of the place of occurrence. The statement Ex. PD of 'P' under Section 164 Cr.P.C. was also got recorded from the CJM, Hoshiarpur on the basis of application Ex. PM. The victim also submitted application/hand written complaint Ex. PC. Medico legally examination of 'P' was got conducted and MLR Ex. PH was taken into possession. The accused was also got medically examined on police request Ex. PE and medical opinion Ex. PF regarding the potency of accused was obtained. Statements of witnesses were recorded under Section 161 Cr.P.C. Challan was presented against the accused after completion of investigation.
5. After complying with the provisions of Section 207 Cr.P.C. regarding supply

2026:PHHC:109418



of copies of challan form and documents annexed therein, the case was committed for trial of accused to Court of Sessions by the learned SDJM, Garhshankar vide order dated 27.11.2002.

6. The accused was charged for committing offence punishable under Section 376 IPC (302 IPC wrongly mentioned) vide order dated 10.01.2003/.06.03.2003 by the then learned Sessions Judge, Hoshiarpur. Charge against him, was amended due to clerical error in the previous charge sheet and he was again charged for committing offence punishable under Section 376 IPC vide order dated 14.05.2003.
7. In order to prove its case, prosecution examined as many as 13 witnesses whose statements can be discussed under following heads:-

7(a) Version of the 'HS' and the 'P'

7(a)(i) PW1 'HS' in his testimony before the Court, proved complaint Ex. PA moved by him to the Inspector General of Police, Jalandhar Zonal through Senior Superintendent of Police, Nawanshahr and affidavit Ex. PB submitted by him to the police. He deposed against the accused on the line of allegations made in Ex. PA and PB.

7(a)(ii) PW2 'P' in her statement before the Court also deposed about the her rape by the accused. She also proved her statement dated 31.08.2002 Ex. PD got recorded under Section 164 Cr. P.C. and her hand written complaint Ex. PC against the accused.

7(b) Investigating Evidence

7(b)(i) PW13 Ms. V. Neerja, SSP Mansa was posted at the relevant time i.e. on 28.08.2002 as SSP Nawashahr (SBS Nagar). As per her testimony I.G

2026:PHHC:109418



(zonal) Patiala marked inquiry of this case to her and thereafter, investigation was also marked to her. She conducted inquiry but investigation was conducted by PW6 Inspector Harbhajan Sarup under her supervision. She proved the inquiry report Ex.PJ submitted by her to I.G., Zonal. She also stated that on the basis of inquiry report, Ex. PJ, FIR Ex. PJ/1 was lodged after receipt of letter No. 9237 of 29.08.2002 Ex.PN from I.G. Zonal (II), Jalandhar. She also identified the signatures of I.G. Sh. S.K. Sharma on letter Ex. PN as she had seen him signing and writing.

7(b)(ii) PW9 SI Kartar Singh was posted as Additional S.H.O, PS., Garhshankar at the relevant time and as per his testimony, he received inquiry report Ex.PJ from the office of SSP Nawanshehr for registration of FIR and he registered formal FIR Ex. PJ/1. He also made endorsement Ex.PJ/2 in respect of FIR number. He also prepared the rough site plan Ex. PK. As per his testimony, he recorded the statement of PW5 Hari Singh, Satnam Singh and of PW2 'P'. He also got 'P' medico legally examined by moving application.

7(b)(iii) PW10 SI Paramjit Singh was posted at Police Station Saila at the relevant time i.e. on 31.08.2002 which falls within the jurisdiction of PS Garhshankar. He stated that PW9 SI Kartar Singh handed him application Ex.PK for getting the medico-legally examination of the 'P' conducted from Civil Hospital Hoshiarpur. Accordingly, he got 'P' medico legally examined. As per his further testimony, on the basis of application Ex. PM, he got statement of the 'P' recorded under Section 164 Cr.P.C. from CJM.

7(b)(iv) PW7 SI Sarvan Singh was posted as S.H.O, Mukerian at the relevant time and as per his testimony, he received telephonic message from DSP

2026:PHHC:109418



Garhshankar for conducting raid in this case to arrest the accused. In pursuance of that order, he raided the *dera* of accused from where he arrested the accused and prepared the memo of arrest Ex. PK. He also sent information regarding his arrest to his parents and handed over the accused to P.S., Garhshankar.

7(b)(v) Inspector PW6 Harbhajan Sarup was posted at the relevant time as Inspector Incharge of Economic Wing Nawanshehr. He deposed that SSP Nawanshehr handed over the investigation of this case to him. As per his testimony, he on 02.09.2002 got the accused medico legally examined from Civil Hospital, Nawanshehr on the basis of application Ex.PE. After medical examination, he got the opinion of the doctor. He also recorded the statement of witnesses Gurdeep Singh, Charnjit Singh, Tarlok Singh, Gurmeet Kaur, Paramjit Kaur and Harpreet Kaur under Section 161 Cr.P.C. and supplementary statement of PW5 Hari Singh. He also proved application Ex.PG whereby, statement of PW Gurdeep Singh, was got recorded under Section 164 Cr.P.C.

7(b)(vi) PW 12 Jasbir Singh accompanied with PW6 Inspector Harbhajan Sarup and other police officials visited the spot and prepared the site plan Ex. PM with correct marginal notes.

7(c) Medical Evidence

7(c)(i) PW8 Dr. Ritu Narad conducted medico legally examination of the victim 'P' on 31.08.2002 when she was posted as medical officer at Civil Hospital, Hoshiarpur. MLR of the victim is proved by her vide Ex.PH. As per her testimony, 'P' refused to gave vaginal swabs for chemical examination and her refusal was also reduced into writing.

7(c)(ii) PW3 Dr. Davinder Singh proved his opinion Ex. PF regarding

2026:PHHC:109418



potency of accused as he medico-legally examined the accused when he was posted as Medical Officer in Civil Hospital, Nawanshehr on 02.09.2002 on Police request Ex. PE. He opined that *“there was nothing to suggest that he was not capable of performing sexual intercourse.”*

7(d) Link Evidence

7(d)(i) PW11 Neelam Rani is the roommate of ‘P’. She is specifically stated that on 25.11.2000, ‘P’ came on leave and returned to the hostel on 26.11.2000. She was not in her normal way and used to be mum and idle. On 03.12.2000, on her inquiry, ‘P’ told her that accused forcibly committed sexual intercourse with her on the night of 25.11.2000. ‘P’ was feeling irritated and disturbed when she told about the incident of intercourse.

7(d)(ii) PW4 Rajinder Singh stated that in April, 2001, ‘HS’ along with Dr. Satnam Singh Deep, PW5 Hari Singh and other persons came to him with the complaint that accused had committed rape upon the daughter of ‘HS’. They requested that ‘HS’ should get justice with the efforts of Khalsa Panchayat. He advised them to go to Police. They told him that if the matter is taken to the Police, their family would be defamed. He then advised them to take up the matter to Sri Akal Takhat Sahib, if they do not want to take legal action and in that way, no harm to be done to the reputation of the family or the girl. Then he received telephonic message from ‘HS’ in the month of May 2001, informing him that he had submitted a complaint to Sri Akal Takhat Sahib and that Sri Akal Takhat Sahib had issued a ***Hukumnama*** (religious proclamation) that Sikh Sangat should not have any relation with the accused till the matter is decided by the Akal Takhat. He further deposed that he received a telephonic

2026:PHHC:109418



message from 'HS' informing him that he had taken the girl to *Jatthedar* of Akal Takhat on 13.05.2001 who heard the statement of the girl. He also stated that in the month of June 2001 PW1 'HS' accompanied by one more person whose name he did not know and other person Satnam Singh trustee of *dera* had informed him that they had come to know that Pritpal Singh Sandhu PA to *Jatthedar* of Akal Takhat had received the bribe from the accused through some of the relation of the accused and therefore, they had no faith in the *Jatthedar* of Akal Takhat. He then assured 'HS' and others that they should not worry and this matter may not be in the notice of *Jatthedar* and he will talk to Sri Akal Takhat *Jatthedar* telephonically and will also write a letter. He also deposed, he talked to *Jatthedar* of Sri Akal Takhat about the same and also wrote a letter. He did not receive any reply to that letter. He was informed by the *Jatthedar* telephonically that he will do the justice. In February 2002, 'HS' accompanied by some persons including PW5 Hari Singh came to him that no action had been taken by *Jatthedar* of Akal Takhat and he told them that he will write another letter to *Jatthedar* of Akal Takhat requesting him to decide the matter at earliest. Then he read in the newspaper dated 11.05.2002 that a nominal punishment had been awarded to the accused for consuming liquor and doing *manmatti* (to indulge in worldly passions and desires) but he was not punished for committing rape upon the girl. Then after 4-5 days, 'HS' accompanied by some other persons including PW5 Hari Singh and Satnam Singh trustee came to him. 'HS' was in tears that he had not got justice from Akal Takhat. He told him that he will stand by him in getting justice as member of Khalsa Panchayat and will strive for justice. Thereafter, he wrote a detailed

2026:PHHC:109418



letter to *Jatthedar* of Sri Akal Takhat that injustice had been done to 'HS' and the case should be reopened. He did not receive any reply till the day of recording of his statement in the Court.

7(d)(iii) PW5 Hari Singh was one of the trustees of Noor Vishav Roohani Charitable Trust run by accused at village Palli Jhikki District Hoshiarpur. He corroborating the statement of PW4 Rajinder Singh and PW1 'HS', he deposed that on 01.01.2001, 'HS' came to him and started weeping in his office. He informed that accused had committed rape upon his daughter and he wanted justice with their help. He further deposed that he assured 'HS' that after making necessary verification, if allegations were found to be correct, he would certainly help him. He met Sewa Singh on 03.01.2001 who was working in PSEB with PW1 'HS' and he enquired about 'HS' who told him that 'HS' is a man of good character. He also stated that accused was Chairman and trustee of the aforesaid trust and he called meeting on 10.01.2001 in the evening. He told him that he wanted to take rest and then management of trust should be looked after by them. Then after meeting, he, Sewa Singh and accused sat together, he enquired from the accused about the allegations of rape levelled by 'HS' father of 'P'. Accused first denied the allegations then he said that the girl was of bad character and she has spent the night there but did not accept the allegation of rape. During that night accused remained there but left the *dera* on the next day and returned to *dera* after about 1-1 ½ month i.e. on 18.02.2001. He also deposed that accused was again confronted with the allegations and he admitted the allegation of rape and said that he is resigning from the chairmanship of trust and said that they should look after the management of the trust. He also

2026:PHHC:109418



identified the accused who was present in the Court at the time of recording of his statement.

8. Statement of accused under Section 313 Cr.P.C.

After closure of prosecution evidence, statement of accused was recorded under Section 313 Cr.P.C. Accused pleaded his innocence and he took the plea that he was Chairperson of Noor Vishav Roohani Charitable Trust, and Satnam Singh, Sewa Singh, Hari Singh and Harjit Singh Nagpal were trustees. All of them had connived with each other and procured false and forged agreement to sell, for purchasing about 500 acres of land in village Mehlewal, Teh. Balachaur. Satnam Singh, Harjit Singh took about 55,00,000/- rupees and only about Rs. 30,00,000/- were invested and rest of the money was misappropriated, whereupon he moved an application to the then Minister of Revenue and Rehabilitation, who entrusted enquiry to Jaswant Singh Maan Secretary who conducted the enquiry on 13.9.2001 and then sent report for registration of the case as the matter involving the criminal offence. His son Japnam Singh filed a criminal Misc. writ petition No.4232 in which Justice Hon'ble Ashutosh Mohanta, ordered to register the Case on 13.10.2002. On coming to know about his complaint from the Revenue Department, said Satnam Singh, Hari Singh, Sewa Singh and Harjit Singh who were very closed to Rajinder Singh of Khalsa Panchat had created a false witness 'HS' and his daughter 'P'. False story of rape allegedly committed on 25.11.2000 was created on the basis of which FIR was registered on 29.8.2000 after gap of almost one year. He issued a notice to Hari Singh etc. through his counsel Mr.Ajay Kumar Veermani at Amritsar, which resulted into registration of a false case. They have fabricated

2026:PHHC:109418



and forged the agreement to sell dt.7.12.99. He further pleaded that no complaint ever was made against him regarding the alleged rape before Joginder Singh Vudenti, Jathedar of Shiri Akal Takhat Sahib. Only a false complaint by these trustees, i.e. Satnam Singh, Hari Singh, Sewa Singh and Harjit Singh was made with regard to *Manmatti* (unethical act) for which Jathedar has given pardon of religious punishment which was awarded as (*Tankah*) to him and these trustees never undergo religious punishment. But later on used this complaint, where no word or allegation of alleged rape were there. PW Rajinder Singh Chairman of Khalsa Panchayat is very close to the then Inspector General of Police and SSP, Nawanshahar and present FIR is their creation on false witnesses and one sided enquiry.

9. Defence Evidence.

Accused examined three witnesses in defence whose testimonies are as under:-

9(a)(i) DW1 Jaswant Singh, (since retired) was posted as Additional Secretary Department of Revenue in the State of Punjab having its office in Chandigarh, in the year 2001. He deposed that during that period S. Sewa Singh Sekhon was Revenue and Habilitation Minister Punjab, he received an application along with note dated 22.08.2001 from the Revenue Minister to enquire into a complaint made by the accused against Satnam Singh, Harjit Singh Nagpal and Sewa Singh. He stated that the complaint/application along with the photocopy of agreement to sell dated 07.12.1999 Ex. DA and agreement as Mark DX had been received. He further deposed that initially he received a report that Dhanwant Singh is out of country and he could not appear before him. Thereafter, he submitted his note to the then Minister Sh. Sewa Singh Sekhon,

2026:PHHC:109418



through PFR to the effect that Dhanwant Singh is not available and that the complainant did not belong to their department and the same is not be enquired by their department. Thereafter, the Minister again passed the order that the alleged Dhanwant Singh has returned to India and he joined in the enquiry vide his order dated 16.10.2001. He identify the orders of Revenue Minister dated 22.08.2001 and 16.10.2001 vide Ex. DB and Ex. DC respectively. Dhanwant Singh joined the enquiry and gave his statement on 28.11.2001. He submitted his report on 07.01.2002 vide Ex. DD. According to DW1 the matter was a criminal case and there was no need of any enquiry by the Revenue Department. He also proposed that a criminal case be got registered by the complainant.

9(a)(ii) DW2 Gurmukh Singh in his testimony stated that he knew the accused who was present in the Court. He stated that he was working in the Noor Vishav Roohani Charitable Trust since 1997 till 2002. When the case was registered against the accused, *dera* was locked up by the police and thereafter, he left the *dera*. He also deposed that the record of the *dera* was being maintained by Dr. Satnam Singh Deep who was the Secretary of *dera* trust and he used to write the proceedings in the proceeding book of the *dera*. He also submitted that he did not bring the proceedings book in Court at the time of recording his statement. DW2 Gurmukh Singh in his further examination deposed that the records of the *dera* was not in custody of the accused and therefore, he was not able to produce the same before the Court. He further deposed that the records of the *dera* were in custody of Dr. Satnam Singh who was General Secretary of the trust. Sewa Singh, the cashier, Hari Singh was the

2026:PHHC:109418



member, and Harjit Singh was the Secretary of the aforesaid Trust. He further stated that there are three *deras* situated at Gurdaspur, Khadur Sahib and Garshankar and he was living with his family in the dera of Palli Jhikki, Gharshankar. Accused used to reside in the dera on the last Friday, Saturday and Sunday of every month. He also deposed that Rs.30-35 lakhs had been collected by the abovenamed trustees for the purchase of land in the name of Trust but these persons did not account for funds so collected and therefore, these persons were expelled from the Trust by the accused. He also stated that all these persons had lodged a complaint against the accused before the Akal Takhat wherein no allegations of rape had been levelled against the accused rather the allegations were regarding consuming liquor and meat products. He also stated that he used to prepare meal for the accused as well as the devotees who used to come to *dera*. He also stated that he had never seen the accused while consuming liquor and meat. He also deposed that a religious punishment was imposed upon the accused by Sri Akal Takhat and aforesaid persons. The accused accepted and complied with the religious punishment whereas, the other persons did not comply with the orders of the punishment. He also deposed that he was residing in the *dera* at the relevant time but no lady of the name of victim or any other devotee stayed in the *dera* on 25.11.2000. He also deposed that in November 2002, police official accompanied by Harjit Singh Nagpal, Sewa Singh, Hari Singh and Dr. Satnam Singh took the possession of the dera and locked the premises. The Police neither recorded his statement nor his family members and other residents of the *dera*.

9(a)(iii) DW3 Ajay Kumar Virmani, Advocate in his testimony deposed that

2026:PHHC:109418



he has been practicing as an Advocate for the last 18 years. The accused had engaged him as a lawyer for serving notice to Sardar Satnam Singh Deep, Sewa Singh, Hari Singh and Harjit Singh Nagpal and he had also served a legal notice dated 06.07.2002 Ex. DJ to all the aforesaid persons which bears his signatures. However, in his cross examination, he denied to maintain any record register pertaining to Ex. DJ. He also stated that he did not receive any reply to the aforesaid notice. He obtained his charges for serving notice and thereafter he did not initiate any further proceedings.

10. After completion of evidence and considering the rival contentions of parties, learned trial Court found the accused to be guilty of having committed the offence punishable under Section 376 IPC and sentenced him as stated herein before in Para No.1.

11. **Submissions of learned Defence Counsel:**

Learned defence counsel assailed the findings of the learned trial Court on the following grounds:

11(a)(i) Delay in the registration of the FIR: The alleged incident took place in the intervening night of 25/26.11.2000, whereas PW1 'HS' filed complaint Ex. PA on 03.08.2002. The learned trial Court wrongly believed the prosecution version that 'HS' had filed a complaint before Sri Akal Takht Sahib, the highest religious body of the Sikhs, whereas no complaint has been proved on record allegedly submitted to the *Jathedar* of Sri Akal Takht. The basis on which enquiry Ex. PJ was conducted has also remained unexplained.

11(a)(ii) The testimony of the victim is not reliable, as it is not corroborated by any other evidence. It is unbelievable that she did not report the matter to

2026:PHHC:109418



her parents immediately after the occurrence and informed her father only on 31.12.2000.

11(a)(iii) PW11 Neelam Rani, the alleged friend of 'P', is a concocted witness only to strengthen the prosecution case, and her testimony cannot be believed.

11(a)(iv) Had the accused committed the alleged offence, PW2 'P' could have reported the matter immediately to the other girls in the *dera*. Had she raised an alarm or knocked on the door of the room where the accused allegedly raped her, it would have attracted the other inmates or residents of the *dera*. However, there is no witness from the *dera* to prove that the accused committed the alleged offence.

11(a)(v) The accused has been falsely implicated in this case for the reason that the trustees of the *dera*, i.e. Satnam Singh Deep, Sewa Singh and Harjit Singh Nagpal, embezzled Rs.30,00,000/- from the Trust funds, regarding which complainant had also made a complaint. The embezzlement of funds is duly proved by DW2 Gurmukh Singh as well as DW1 Jaswant Singh. The complainant moved a complaint to the Revenue Department regarding the forgery of the agreement to sell. The Trust decided to purchase 500 acres of land in Village Malewal, Tehsil Balachaur, and the responsibility for the purchase was entrusted to Satnam Singh Deep and Harjit Singh Nagpal. Out of Rs.55,00,000/-, the sale deeds for land worth Rs.13,00,000/- were found to be correct, but the land purchased comprised different Khasra numbers and was not a consolidated piece of land, and it was not in accordance with the decision taken for the purchase of the land by the Trust. The agreement for the purchase

2026:PHHC:109418



of land worth Rs.30,00,000/- was also forged, as the signature of the accused was forged. This agreement was attested by Satnam Singh Deep and Harjit Singh Nagpal as attesting witnesses. Satnam Singh Deep and Harjit Singh Nagpal did not account for a sum of Rs.12,00,000/-. The amount was collected through donations by the Sangat. In the complaint filed by the complainant, the noting made by DW1 Jaswant Singh, the then Additional Secretary, Department of Revenue, fully proved that the signatures of Dhanwant Singh on the agreement were different from his signatures on the statement, and the agreement appeared to be forged. DW1 Jaswant Singh, the then Additional Secretary, Department of Revenue also opined that the same was a criminal matter and was not to be enquired into by the Revenue Department. The accused was advised to submit his complaint to the police. The then SSP and other police officials were siding with the accused and the above-named trustees. No action was taken upon the complaint. Only to save themselves from the allegations of forgery of the agreement to sell and criminal breach of trust in respect of the amount collected through donations from the public, the accused has been falsely implicated.

11(a)(vi) On the basis of false complaints, the accused was declared *Tankhaia* by Sri Akal Takht on the allegations that he was indulging in *manmatti*, consuming liquor and meat. There was no allegation in the *hukumnama* that he had indulged in immoral or unethical activities or was guilty of rape. Satnam Singh Deep, Hari Singh, Surender Singh, Sewa Singh-JE, Gurdeep Singh were also declared *Tankhaia* by Sri Akal Takht, however, they did not undergo the punishment prescribed in the *hukumnama* issued by Sri Akal Takht, whereas

2026:PHHC:109418



the accused, as a token of respect for the highest temporal body of the Sikh religion, performed Sewa as ordained for him. Accused also served legal notice Ex. DJ through his counsel, DW3 Sh. Ajay Kumar Virmani, upon Sewa Singh, Hari Singh and Harjit Singh Nagpal, but they failed to reply to the said notices. The accused is a victim of a conspiracy hatched by the above-named three trustees, and PW1 'HS' was used by these trustees to falsely implicate the accused in the present case at the instance of PW2, the daughter of PW1.

The learned defence counsel prayed for the acquittal of the accused by setting aside the impugned judgment and order of sentence against him.

12. Submissions of learned State counsel as well as counsel for the victim:

Learned State counsel, along with Mr. Navkiran Singh, Advocate, and Mr. Harmeet Singh, Advocate, appearing on behalf of the victim, relied upon the statements of the prosecution witnesses examined before the learned trial Court and prayed for the dismissal of the appeal by submitting that the learned trial Court had correctly appreciated the evidence and that the impugned judgment does not call for any interference. Learned counsel for the victim also submitted that the sentence of 10 years awarded to the accused is on the lower side and that he deserves imprisonment for life, and the sentence be modified accordingly. He further submitted that no compensation had been awarded to 'P' by the learned trial Court and prayed for the award of adequate compensation to 'P' for undergoing stress, trauma and emotional turmoil she suffered due to the commission of the offence of rape and for her long quest for justice.

2026:PHHC:109418



Analysis

13. With the able assistance of the learned counsel for the parties, this Court has perused the oral and documentary evidence on record.

It is a case where the family of the victim was devout follower of accused and accused was a religious preacher in *dera*, Chairman as well as trustee of the religious institute. There is no denial of the fact that accused Dhanwant Singh was the head of dera Noor Vishav Ruhani Charitable Trust. It has also come on record that PW1 'HS' was a follower of the *dera* for a long time and used to visit the *dera* situated at Pillia Jhikki. It has further come on record that, in September 2000, PW2 'P' got admission in a Nursing course. As per the statements of PW1 'HS' and PW2 'P', after a while of getting admission, 'P' thought of dropping the Nursing course. Her parents were not in favour of this. In order to counsel her, PW2 went to the dera on 25.11.2000 at the instance of her father, where her mother was already present. The allegations against the accused are that, on the intervening night of 25/26.11.2000, at about 02:30 a.m., the accused called PW2 'P' to his room, where he allegedly committed rape upon her. She left the *dera* on the morning of 26.11.2000 without disclosing the incident to anybody, and the matter was disclosed by her to her father, PW1, only on 31.12.2000, when she was again taken to the said dera by her parents. Thus, there is the solitary statement of PW2 regarding the occurrence, and the testimony of PW1 is in the nature of corroboration regarding the family's visits to the *dera* and the disclosure made by PW2 to him regarding the commission of the offence by the accused.

14. PW2 'P' victim in her examination-in-chief before the trial Court specifically

2026:PHHC:109418



stated that she knows the accused since her child hood because earlier they were residing at village Behram. The accused was running a *dera* at Kat Pallian and used to come to the house of someone at village Behram. They were also at visiting terms with the family at Behram. She and her parents used to visit *dera* at Kot Pallian since its existence. She got admission in a Nursing course at Patiala in September-2000 in Rajindra Hospital. She did not like to study and was intended to drop the study. She first of all informed her father regarding that. Her father was not of the opinion that she should drop the study. She in her statement before the trial Court specifically stated as follows:-

“.....I know the accused now present in the court. He is running a Dera at village Kot Pallian. I know the accused since my childhood as earlier we were residing at village Behram and accused used to visit the house of someone at Behram and we also used to visit the house of that family at Behram. I and my parents have been visiting the dera at Kot Pallian since its existence. I sought admission in Nursing Course at Rajindra Hospital Patiala in September 2000. I was not liking to study and I wanted to leave the same and in this regard first of all I disclosed to my father. He did not agree for leaving my study. Then my parents discussed this matter with Baba Dhanwant Singh accused now present in the court that I did not want to continue with my study and I wanted to return to my home. The accused advised my parents to come at his Dera to hold discussion about it.

On 25.11.2000 I came at the Dera at Palli Jhikki where my mother had already reached. There being a good gathering at the dera on that day, the matter could not be discussed with Baba. In the evening my mother was to return home and by that time the departure time of the last bus had already struck. I stayed back at the Dera as two other girls were also to stay there in the night and it was thought that the matter will be discussed with Baba during night time. After taking meals those two girls

2026:PHHC:109418



started holding discussion with the Baba in relation to the publication of some books and due to that reason I could not discuss my matter with Baba. Thereafter I and the other two girls went to sleep in any other room of the dera. Those two girls kept sitting by my side in the room for some time whereafter they left the room by saying that they were to discuss something with Baba. After a short while one of those girls returned in the same room where I was. Then I went to sleep.

On the same night the other girl came to the same room at about 2/2.30 AM (night). She told me that I have been called by Baba as he wanted to discuss something with me. Then I went to the other room where Baba was present. First of all the Baba enquired from me about my study problem. I replied that I did not want to continue with the Nursing course and I also told that I wanted to go in for B.Sc. The Baba told me that the college is situated at a long distance from our village and there will be a problem of commuting between the college and my village. He also advised me to stay in his Kothi at Nawanshahr for study purpose. He also suggested me to stay there as the book to be got published will be bought by other people as well. He also told me that some other persons are also to stay in that very Kothi for publication work and I should also stay there. And that he will persuade my parents that they should agree for my stay in that Kothi. Thereafter Baba told me that I have developed some illicit relations with some boy and he has learnt about the same. On hearing these words I received a shock being false. The Baba repeatedly said that it was a truth though I continued denying this fact. Then the Baba got infuriated and in the fit of anger he bolted the door of the room from inside. Then he caught hold of mine forcibly. I was in shock and I said as to what he was doing. He said that I was not divulging the truth and I should disclose the same. Then I started raising alarm. The Baba removed my clothes forcibly and at that time he was at the peak of his anger and he seemed to be in a very dangerous posture. I raised shrieks and I was under fear and the Baba threatened me that if I raised raula (noise) then he will shunt me out of dera in the same condition immediately. The Baba also held out a threat that he being a man of power, would get my parents eliminated if I raised alarm. Thereafter Baba committed rape upon me against my will. After committing rape upon me Baba sent me to the other room.

On the next day I being scared and feared tremendously I did not disclose about this occurrence to

2026:PHHC:109418



anyone and I went back to Patiala. After about one month, I came to my home due to vacations in the end of December 2000. On 31.12.2000 my parents asked me to go to the dera. On being forced by them I had to accompany them to dera. When we reached in the dera, I found Baba reciting katha when so many persons were present there. On seeing so, I got enraged as I know as to what type of man he is. I decided there and then to disclose about the occurrence to my parents. On 31.12.2000 I was going with my father was-going on scooter from Kot Palli to Nawanshahr. I asked my father to stop scooter and he did so and then I narrated the occurrence to him. My father returned home after having left me at Ludhiana. My father discussed this matter with the Trustees of the Dera.

On 13.5.2001 I alongwith my father and a Trustee of the Dera went to Sri Akal Takhat Sahib. Joginder Singh Jathedar Vedanti of Akal Takhat Sahib took me before the Sanctum Sanctorum at Akal Takhat Sahib and asked me to tell whether there is truth in the complaint made by my parents. I replied in the affirmative. He also enquired from me as to whether Baba Dhanwant Singh had committed any act with me. I said 'Yes'. He did not reduce all this into writing. He assured me that they will give their verdict and I will get justice. I had made statement before the police regarding this occurrence."

15. PW2 victim also proved the statement Ex.PC consisting of 7 pages which was given in Punjabi vernacular to the police and also proved her statement Ex.PD recorded under Section 164 Cr.P.C. Statement Ex.PC is in her handwriting. The statement of victim reflects a cry of the victim for justice and the shock she suffered from the assault committed on her person. It was not only assault on her person but also on her soul. In her statement Ex.PD recorded under Section 164 Cr.P.C. she stated that:-

"Stated that I went to the Dera of Baba Dhanwant Singh on 25th November 2000. I knew Baba Dhanwant Singh since my childhood, and he used to visit our house even before the Dera was established. I had taken

2026:PHHC:109418



admission in Nursing course at Patiala in September 2000. I did not like the studies there because of difference in education. I wanted to leave and come back because of this. I talked to my father regarding this but he did not agree. He kept telling me to study there. When no decision could be reached till the end, my parents talked to Baba Dhanwant Singh about this matter then Baba Dhanwant Singh told me to come to the Dera, saying that we would sit and discuss the whole matter. Then I went to the Dera on 25th November 2000. My mother had already arrived there. A lot of people remained seated with Baba till evening due to which no discussion could take place regarding my problem. Then, my mother left since she had to return to the village as it was the time for the last bus. She left me there because I had yet to talk to him and secondly, two other girls were also supposed to stay there. Then in the evening, I and those two girls sat and kept talking and after having dinner, we sat with Baba Dhanwant Singh. He was discussing something about getting a book published and for this reason, no discussion could take place regarding my problem at that time either. Thereupon, all three of us girls went to sleep. Those two girls went to talk to Baba about something. One of them returned after a while, but the second one did not. Meanwhile, I fell asleep. Then suddenly at night, at around 2:30 AM, that girl came and woke me up, stating that Baba Ji wanted to talk to me about something and was calling me. Then I went to listen to him. There, Baba talked to me about my study and asked me what I wanted to do. I told him my problem regarding my study that I wanted to pursue a B.Sc., but since the college was far from the village, there was a problem with daily commuting. Then he told me that he had a kothi (bungalow) in Nawanshahr where many people would stay regarding getting the book published and I could also stay there. But I said that the problem of daily commuting would still persist. Then he told me that if my mind did not agree to study there, it was fine and he would talk to my parents, assuring me that he would convince my

2026:PHHC:109418



parents. Then suddenly he told me that he had come to know that I had a relation with a boy and also had physical relations with him, which was absolutely false. Upon my denial, he said that he knew everything, so I should not lie; but then he got angry and closed the door upon my repeated denials. Thereafter, he caught me and when I asked him what he was doing, he said in anger that I was not telling the truth. Then I started raising a noise. He forcibly removed my clothes. He was in a lot of anger. Having seen his changed demeanor, I couldn't understand anything as to what should I do. When I screamed loudly, he warned me not to make much noise, otherwise he would throw me out of the Dera in the same condition right then. He said that he had a lot of power and he could do anything. If I raised a noise then he would get my parents killed. I got scared very much. Then he forcibly raped me. After that, he sent me to the other room. After waking up in the morning, I was so scared that I could not converse with anyone. I went back to Patiala on that day itself. I handled myself a bit after reaching there and thought that what has happened, then I came back home after one month at the end of December. On 31st December (sic.), I had to go back to Patiala. In these days, I could not tell anything to my parents. But I had to visit the Dera on 31 December upon being asked by my mother and others. That Baba was reciting Katha there, but I had seen his real persona. When he was reciting Katha at that time, it angered me a lot because in reality he was something else and was pretending to be a saint before rest of the people. I decided there that I will converse regarding this with my parents. My father was going to drop me at Ludhiana at that time and I told his reality to my father on the way. After that, I went back to the hostel. Later on, My father conversed regarding this with some other members (members of the institution) and they made the complaint against this before the Jathedar of Akal Takht Joginder Singh Vedanti because it was a religious matter. Then after this, I was called to Akal Takht and I went to Akal Takht on

2026:PHHC:109418



13 May, 2001. There Jathedar Vedanti asked me inside Akal Takht Sahib whether this is the truth, to which I affirmed by saying 'yes'. Then he told me that we will impart justice to me regarding this matter. But later on, I came to know that he has awarded punishment to the Baba only for drinking liquor and doing other whimsical conduct and no appropriate decision was pronounced in my case. Therefore, now I have presented my complaint before the law, so that justice can be imparted to me and that person gets the punishment for the sins committed by him."

16. PW1 'HS' father of the victim PW2 in his statement before the Court also deposed about his proximity with the accused for the last 15-16 years and of the fact of visiting *dera* along with family. They used to seek religious guidelines from the said *dera* and he had family like relations with the accused. Narrating the said incident, he deposed that:

"On 25.11.2000 my wife accompanied by my daughter N.K. came to this dera. Prior to 25.11.2000, nothing occurred in this dera, nor we had any talk with the accused at this dera. My wife and my daughter used to render kind services at this dera. Even on 25.11.2000 they had gone to render such services in the dera. My daughter N.K. was to seek some advice from the accused and that being so, she stayed in the dera on 25.11.2000 though my wife came back to the house. N.K. was admitted in some Nursing school at Patiala and regarding the same she was to seek guidelines from the accused for which she stayed at the dera on 25.11.2000. On 25.11.2000 again said on 26.11.2000 i.e. Sunday I went to leave my daughter N.K. at Ludhiana from Nawanshahr. My daughter's face seemed to be serious when I was taking her from Nawanshahr to Ludhiana. She narrated nothing to me as to what was the cause for her to be so, but she remained weeping.

On 31.12.2000 I accompanied by my wife and

2026:PHHC:109418



aforesaid daughter came at the dera to attend the Samagam. We left the dera around 3 PM after having attended the Smagam. On 31.12.2000, I along with N.K. was going from Chaura dera to Nawanshahar on scooter. N.K. was seated on the pillion seat of the scooter. N.K. asked me to stop the scooter and I replied that the time was short. She forced me to stop the scooter and I stopped the same. She narrated the occurrence which took place on 25.11.2000. She told me that Dhanwant Singh accused now present in the court committed rape on her on the intervening night of 25/26.11.2000. Thereafter I returned home after having left her at Ludhiana.

On 1.1.2001 I disclosed about the occurrence to S.Hari Singh, member of the Trust of the aforesaid dera. He replied that he does not believe me and that he will tell about it after making enquiries from the public as also other trustees. On 3.5.2001 I made report to Shri kal Takhat Sahib alongwith Trustees of the Dera when meeting of Five Singh Sahibans had already been convened. I along with my daughter N.K. was called for 13.5.2001 by Joginder Singh Vedanti Jathedar, who took my daughter alone before Sanctum Sanctorum at Akal Takhat Sahib and enquired from her but I do not know as to what talks were exchanged between them. He told me that he will be given justice. But thereafter I never received any intimation from his side. However, I enquired from the Trustees of the dera. I had put forward the Trustees of the dera for this task. Thereafter I learnt nothing about it. The Akal Takhat Sahib did not give any verdict and I was disappointed. Then I and my daughter N.K. took the decision to have recourse to law.

On 3.2.2002 I made report/complaint to I.G.Jalandar containing all the facts, which is Ex.PA. It bears my signatures. On the basis of Ex.PA, SSP Nawanshahr made enquiries on 29.8.2002. I was also called by SSP Nawanshahr to appear before her in the enquiry proceedings. The Trustees of the abovementioned Dera were not called by the SSP, but I took them along. My daughter N.K. was also summoned and her statement was recorded in the enquiry proceedings. Thereafter the accused was arrested. SSP submitted her report and on the basis of which the accused was arrested. I do not know if on the basis of such enquiry report, the case was registered or not. My daughter N.K. was got examined medically by the police. I had submitted my affidavit duly attested containing the facts regarding this occurrence, which is Ex. PB. My statement was recorded by the police.”

2026:PHHC:109418



17. The fact that he disclosed the matter to other trustees of *dera* is corroborated from the statements of PW4 Rajinder Singh and PW5 Hari Singh. Cross examination of both the father and daughter-victim failed to create any doubt in their testimonies. When subjected to cross examination, PW1 'HS' stated that he met the accused for the first time in 1984 at village Behram. He also stated that prior to 1995-96 the accused used to recite *Katha* by roaming around. Initially the accused was keeping his residence at the village in District Gurdaspur and subsequently he shifted to Gurdaspur. Both the witnesses were subjected to lengthy cross examination. Although it has come on record that the application moved by PW1 'HS' to *Jathedar* of Sri Akal Takhat has not been brought on record but it does not make any difference to their examination-in-chief regarding the fact that they had moved an application to the Supreme temporal body of the Sikh Religion because PW1 at no stage of his lengthy cross examination or examination in chief stated that he had kept the copy of the application submitted to *Jathedar* of Shri Akal Takhat rather at another stage, he stated that it was an oral complaint. Since the complaint against the accused was oral, there was no question of production in the Court of the said complaint submitted against the accused to *Jathedar*.
18. Learned defence counsel pointed out towards the delay in registration of the FIR. The occurrence took place in the intervening night of 25/26.11.2000 and on the next day PW2 wanted to join her Nursing Institute where she divulged the matter to one of her friends. Thereafter she got the courage to disclose the occurrence to her father when she was about to brought at the *dera* second time in December-2000 and PW2 victim being repelled with the religious facade of

2026:PHHC:109418



accused as preacher and being aware of his actual reality and he being her rapist, reported the matter to her father 'HS'. Since the accused was an influential person having *dera* at 3 different locations, the matter was reported to the trustees of the *dera* first and then brought to the notice of the Head of the highest Sikh temporal body i.e. *Sri Akal Takhat* but when the accused was absolved with only mild religious punishment, PW1 'HS' reported the matter to the police by submitting application Ex.PA. Therefore, the delay in registration of the FIR is self explanatory in the testimonies of PW1 and PW2 victim.

19. Learned defence counsel also contended that the testimony of PW11 being friend of the victim cannot be believed. However, PW11 is a natural witness to whom after much reluctance, the victim poured her heart out and disclosed about the occurrence to her. PW11 has no reason other than to support the case of the prosecution and deposed against the accused unless the occurrence is disclosed to her by PW2 victim. She had no enmity with the accused.
20. Learned defence counsel vehemently submitted that the silence on the part of PW2 victim 'P' regarding not reporting the matter immediately after the occurrence to the other girls in the *dera* because had she raised an alarm or knock the door of the room, where accused raped her, it would have attracted other followers of the *dera*. This argument is insignificant because the accused is the Head of the *dera* and PW2 victim was called to the room of accused in the *dera* by one of the girls living in the *dera* and there was no reason for the victim to trust at mid of the night any other male or female inmates or residents of the *dera* because had she disclosed the occurrence to any inmate or resident

2026:PHHC:109418



of the Dera, whether male or female, it could have certainly put her own safety and security in jeopardy.

21. Learned defence counsel had took the plea that the accused has been falsely implicated in this case because he moved a complaint against Satnam Singh Deep, Sewa Singh and Harjit Singh Nagpal because they have embezzled a sum of Rs.30 lacs from the funds of the trust and that the land purchased by them was not one agreed to be purchased. The accused moved application to the Department of the Revenue but DW1 Jaswant Singh, the then Additional Secretary, Department of Revenue, Punjab, made noting Ex.DD that the matter constitute a criminal offence and there was no need for any enquiry by the Revenue Department. Nothing has been brought on record by the accused that he got any criminal case registered against the above named three persons. The accused cannot take a flimsy plea that whole of the Punjab police was siding with these three persons, namely, Satnam Singh Deep, Sewa Singh and Harjit Singh Nagpal. Where there is a public fund, there are always financial disputes regarding its proper utilisation amongst the trustees. There can be difference of opinion regarding utilisation of funds and about the type of land purchased for the trust. It is another aspect of the life of the accused that he had financial disputes with other trustees of the *dera*. However, these disputes with the other trustees of the *dera* are to be looked into, independent of conduct and behaviour of the accused in his private life or what he did within the four walls of the room in a *dera* by sexually assaulting the victim. Therefore, the financial dispute of the accused with his trustees regarding utilisation of funds or its alleged embezzlement has no connection with the allegation of rape against the

2026:PHHC:109418



accused.

22. It has come on record that the accused was declared *Tankhaiya* by Shri Akal Takht Sahib, supreme temporal body in the Sikh religion. The allegation against the accused was that he was indulging in *Manmatti*, which comprised of consumption liquor and meat. *Tankhaiya* is the person to whom religious punishment is imposed by Shri Akal Takht Sahib. The *Manmattia* is a person who indulged in worldly immoral pleasures and seeks worldly pleasures which are otherwise forbidden in religion. The Sikh religion teaches a way of life where a person have a family life, own land, have profession and follow his passion. The Sikh religion is based on 'naam, sewa' and '*Kirt*' meaning recitation of hymns from Shri Guru Granth Sahib, doing service of mankind and to earn livelihood by honest means. It is contrary to renunciation of the worldly pleasure. A Sikh leads a family life contrary to the life of ascetic or monk. In case, any Sikh indulged in *manmatti* it is against the principles of the religion. The imposition of *Tankhah* by Shri Akal Takht upon the accused through *Hukamnama* itself proved that accused was not leading a virtuous life as required under the Sikh tenets. Although in the *Hukamnama*, he was declared *Tankhaiya* did not explicitly state that he indulged in immoral or unethical activities or is facing the allegation of rape, it is to be noted that the offence of rape is committed within the four walls of the room being away from the public glaze. The accused may have any number of devoted followers but the accused would not have dared to violate anyone's bodily integrity except a vulnerable one. Accused picked up PW2 victim whose family was known to accused for the last 15-16 years before the commission of offence and was

2026:PHHC:109418



followers of the accused since the establishment of *dera* which is the place of occurrence of crime. PW2 victim had got admission in a Nursing Course but was not interested to pursue it as she was not interested in studies altogether whereas her family's opinion was that she should continue with her studies. She was chosen as victim by the accused because accused thought that her family would not believe her words, that the accused could have sexually assaulted her because her family was already against her idea of dropping her studies. Thus in these special family dynamics of the victim and vulnerable state of mind of the victim that the accused choosed her up to fulfil his lust and called her in his room and sexually assaulted her, there is no reason to disbelieve the testimony of the victim.

23. Learned defence counsel vehemently contended that there is no corroboration to the testimony of the victim because it is her solitary statement that accused committed rape upon her person. As observed earlier, the offence of rape is committed within the four walls of the room and away from public glaze and there cannot be any witness to such offence. Had there been any witness, the accused would not have dared to commit the offence. Such offences are not committed at the public places.
24. Hon'ble Apex Court has time and again expounded that the victim of rape is not an accomplice and that her solitary testimony can be relied upon.

In 'State of Punjab v. Gurmit Singh', 1996 SCC (2) 384 held as under:-

"8...The courts must, while evaluating evidence, remain alive to the fact that in a case of rape, no self-respecting woman would come forward in a court just to make a humiliating statement against her honour such as is involved in the commission of rape on her. In cases involving sexual molestation, supposed

2026:PHHC:109418



considerations which have no material effect on the veracity of the prosecution case or even discrepancies in the statement of the prosecutrix should not, unless the discrepancies are such which are of fatal nature, be allowed to throw out an otherwise reliable prosecution case. The inherent bashfulness of the females and the tendency to conceal outrage of sexual aggression are factors which the Courts should not over-look. The testimony of the victim in such cases is vital and unless there are compelling reasons which necessitate looking for corroboration of her statement, the courts should find no difficulty to act on the testimony of a victim of sexual assault alone to convict an accused where her testimony inspires confidence and is found to be reliable. Seeking corroboration of her statement before relying upon the same, as a rule, in such cases amounts to adding insult to injury. Why should the evidence of a girl of a woman who complains of rape or sexual molestation, be viewed with doubt, disbelief or suspicion?

In ***State (NCT of Delhi) v. Pankaj Chaudhary***, (2019) 11 SCC 575, it has been specifically observed by the Hon'ble Apex Court that a conviction can be sustained on the sole testimony of the victim if it inspires confidence, and there is no rule of law or practice that the evidence of the victim cannot be relied upon without corroboration.

25. In ***Vijay Vs. State of MP (2010) 8 SCC 191***, it was observed as under:

“9. In State of Maharashtra v. Chandraprakash Kewalchand Jain, (1990) 1 SCC 550, this Court held that a woman, who is the victim of sexual assault, is not an accomplice to the crime but is a victim of another person's lust and, therefore, her evidence need not be tested with the same amount of suspicion as that of an accomplice. The Court observed as under: (SCC p. 559, para 16).

"16. A victim of a sex offence cannot be put on a par with an accomplice. She is in fact a victim of the crime. The Evidence Act nowhere says that her evidence cannot be accepted unless it is corroborated in material particulars. She is undoubtedly a competent witness under Section 118 and her evidence must receive the same weight as is attached to an injured in cases of physical violence. The same degree of care and caution must attach in the

2026:PHHC:109418



evaluation of her evidence as in the case of an injured complainant or witness and no more. What is necessary is that the court must be alive to and conscious of the fact that it is dealing with the evidence of a person who is interested in the outcome of the charge levelled by her. If the court keeps this in mind and feels satisfied that it can act on the evidence of the victim, there is no rule of law or practice incorporated in the Evidence Act similar to Illustration (b) to Section 114 which requires it to look for corroboration. If for some reason the court is hesitant to place implicit reliance on the testimony of the victim it may look for evidence which may lend assurance to her testimony short of corroboration required in the case of an accomplice. The nature of evidence required to lend assurance to the testimony of the victim must necessarily depend on the facts and circumstances of each case. But if a victim is an adult and of full understanding the court is entitled to base a conviction on her evidence unless the same is shown to be infirm and not trustworthy. If the totality of the circumstances appearing on the record of the case disclose that the victim does not have a strong motive to falsely involve the person charged, the court should ordinarily have no hesitation in accepting her evidence."

26. *In State of Orissa v. Thakara Besra, (2002) 9 SCC 86*, the Hon'ble Apex Court held that rape is not mere a physical assault, rather it often destroys the whole personality of the victim. The rapist degrades the very soul of the helpless female and, therefore, the testimony of the victim must be appreciated in the background of the entire case and in such cases, non-examination even of other witnesses may not be a serious infirmity in the prosecution case, particularly where the witnesses had not seen the commission of the offence.
27. *In State of H.P. v. Raghubir Singh, (1993) 2 SCC 622*, the Hon'ble Apex Court held that there is no legal compulsion to look for any other evidence to corroborate the evidence of the victim before recording an order of conviction. Evidence has to be weighed and not counted. Conviction can be recorded on the sole testimony of the victim, if her evidence inspires confidence and there is

2026:PHHC:109418



absence of circumstances which militate against her veracity.

28. A similar view has been reiterated in *Wahid Khan v. State of M.P., (2010) 2 SCC 9* by placing reliance on *Rameshwar v. State of Rajasthan 1951 SCC 1213*.
29. Thus, the law that emerges on the issue is to the effect that the statement of the victim, if found to be worthy of credence and reliable enough, requires no corroboration. The court may convict the accused on the sole testimony of the victim. No self respecting woman will come forward in a Court just to make a humiliating statement against her honour to state herself as a victim of the commission of the offence of rape upon her unless the incident happened to her. The Court, while dealing with the allegations of rape is required to scrutinized the evidence with most sensitivity, examining the broader probabilities of the case and not to get swayed by minor contradictions or insiginifcate discrepancies in the evidence of witnesses, which are not of substantial nature. In the present case, PW2 victim was just 20 years of age at the time of commission of offence. PW1 her father had no reason to ask his younger daughter to level the allegation of rape against the accused for the simple reason that accused had some financial dispute with other trustees. No major discrepancy has been pointed out by the learned defence counsel in the statement of the victim or of father 'HS'. The inherent bashfulness of a female and tendency to conceal her outrage of sexual aggression is the reason for late reporting the matter to her own father. In such eventuality, there cannot be any necessity to look for corroboration of her statement. In case the corroboration to the testimony of victim of sexual offence is required, in that eventuality, there cannot be any conviction of the accused to sexual assault. The Court can and should convict the accused where testimony of the victim of sexual assault inspires confidence and is found to be reliable. By arguing that there is no corroboration to the testimony of the victim will be adding an insult to the injury already inflicted upon the body and soul of PW2 victim.
30. In view of above discussion, this Court upholds the conviction of the accused for the commission of offence punishable under Section 376 of the Indian Penal

2026:PHHC:109418



Code. Therefore, the appeal i.e. CRA-S-546-SB of 2005 filed by the accused stands dismissed being without merits.

31. **CRR No. 776 of 2005**

This appeal has been filed by the victim for enhancement of sentence awarded to the accused by the learned trial Court. The victim has prayed that life imprisonment be awarded to the accused instead of 10 years rigorous imprisonment.

32. Eradication of criminal activity is an essential function of the State. Imposition of adequate sentence is required to stem out the crime from the society. Certainty of sentence is more important than severity of sentence to curb the crime. Therefore, this prayer made by the victim for awarding life sentence to the accused is declined.

Accordingly, the appeal stands dismissed.

33. **CRM M No. 51871-2005**

This appeal has been filed by the victim for grant of compensation to the tune of Rs. 10 lacs under the provisions of Section 357 of the Code of Criminal Procedure from the accused-respondent in the above mentioned FIR.

After going through the impugned judgement, it has been transpired that no compensation has been awarded to the victim by the learned trial Court. The victim suffered trauma of sexual assault from the hands of accused and thereafter a long quest for justice. She is awarded Rs.6 lakh as compensation in

2026:PHHC:109418



terms of judgement of Hon'ble Apex Court in *Nipun Saxena vs. Union of India, 2019 (2) SCC 703*.

A copy of this judgment be forwarded to the learned trial Court, learned CJM, learned CJM/Secretary District Legal Service Authority, Hoshiarpur for compliance.

34. Pending application(s) antecedental to above mentioned cases, if any, also stands disposed of.

(RAMESH KUMARI)
JUDGE

31.07.2026

Jyoti-70

Whether speaking/reasoned:	Yes.
Whether reportable :	Yes