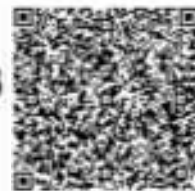


2024.PHHC:127419-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-AD-353-2022 (O & M)
Date of decision:24.09.2024

'S'

..... Appellant(s)

V/s

State of Haryana and anr.

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. Parveen Sharma, Advocate, for the appellant.

Ms. Shubhra Singh, Addl.A.G., Haryana.

JASJIT SINGH BEDI, J.

The present appeal has been filed against the judgment of acquittal dated 22.09.2022 passed by the Additional Sessions Judge, Fast Track Court, Sonipat.

2. The FIR in the present case came to be registered on 25.07.2019. The judgment of acquittal was passed on 22.09.2022. This appeal dated 01.12.2022 has come up for final hearing now i.e. after a period of 05 years having elapsed from the date of the registration of the FIR.

3. The brief facts of the prosecution case are that on 25.07.2019, the complainant moved a written complaint to the police alleging therein

that she was a resident of Karnal and she came in contact with Yogender R/o Jiwan Vihar Gali No.5, Sonapat in the month of December-January. They met while traveling from Sonapat to Rohtak and thereafter, they used to talk with each other on phone and face-book. On 18th March, 2019, the accused called her at Murthal and took her to Bollywood Dhaba and after taking food, he took her to Rajiv Gandhi University at a secluded place and forcibly committed rape upon her. When she told him that she would report the matter to the police then he proposed marriage to her and again near the Murthal Flyover, he committed rape upon her in the car. After 3/4 days, he called her at night to his house and had sex with her and he was not responding to her messages. Legal action against the accused was sought.

4. On this complaint, the present case was registered. Investigation was set into motion. During investigation, the prosecutrix was produced and she was got medico-legally examined. Statements of witnesses were recorded. Site plan of the place of occurrence was prepared. The statement of the prosecutrix under Section 164 Cr.P.C. was got recorded. On 26.07.2019, accused Yogender was arrested and was got medico-legally examined. On interrogation, he suffered his disclosure statement and in pursuance thereto got demarcated the place of occurrence. Statements of witnesses were recorded under Section 161 Cr.P.C. The final report under Section 173 Cr.PC was prepared and was submitted to the Court of the Judicial Magistrate Ist Class, Sonapat, after which the case was committed to the Court of Sessions.

5. On the basis of report under Section 173 Cr. P.C. and other documents, a *prima facie* case for having committed offences punishable under Sections 376(2)(n) of Indian Penal Code was framed against the accused. Accordingly, he was charge-sheeted to which he pleaded not guilty and claimed trial.
6. In support of its case, prosecution examined the following witnesses:

Sr. No.	Name of the Witnesses
PW1	Constable Major Singh No.2158/SPT;
PW2	Ms. Sudesh Panghal, Advocate (Legal Aid Counsel);
PW3	ASI Amardeep Singh No.389/FBD;
PW4	EASI Surender No.869/SPT;
PW5	Prosecutrix/complainant;
PW6	Sandeep Kumar, Halqua Patwari;
PW7	Retd. Inspector Kuldeep Singh;
PW8	Constable Rajesh Kumar No.2160/SPT;
PW9	Sister of prosecutrix/complainant;
PW10	Dr. Staffi Kumar, Medical Officer;
PW11	Rahul S/o Shri Krishan;
PW12	Constable Amarjeet No.2157/SPT;

PW13	Dr. Rahul Antil, Medical Officer;
PW14	HC Balraj No. 1767/SPT;
PW15	ASI Santosh No. 835/SPT;
PW16	Shri Ashok Kumar Ld. Judicial Magistrate Ist Class;
PW17	Constable Vinod Kumar No. 1568/Gurugram

7. All the prosecution evidence was put to the accused in his statement under section 313 Cr.P.C. He pleaded innocence and claimed false implication. In defence evidence, Urmila W/o Ramesh was examined as DW1 and thereafter, the defence evidence was closed.
8. In order to prove its charges, the prosecution examined the following witnesses:-

- (i) PW1 Constable Major Singh No.2158/SPT tendered his affidavit Ex.PW1/A vide which, he deposed that on 19.08.2019, he was handed over case properties including two parcels, two envelopes sealed with the seal of the doctor and one parcel containing blood sample sealed with the seal of the doctor for getting the same deposited with FSL, Madhuban vide RC No. 79 and the receipt thereof was handed over to Malkhana Mohrar after getting the same deposited with FSL, Madhuban. He further deposed that during the time the case properties remained in his custody neither he nor any body was allowed to tamper with the same.
- (ii) PW2 Ms. Sudesh Panghal, Advocate deposed that on 26.07.2019, the prosecutrix was produced before her by the police for her counselling. She consolled the prosecutrix and in this regard, she prepared her report Ex.PW2/A, which bore her signature.

(iii) PW3 ASI Amardeep Singh No. 389/FBD deposed that on 25.07.2019, he was posted as ASI in Police Station, Sonipat. On that day, the complainant/prosecutrix appeared before him and moved her written complaint Ex.PW3/A with allegations of rape with her, upon which, he lodged the formal FIR Ex.PW3/B and he also made his endorsement Ex.PW3/C at the bottom of said complaint, which bore his signatures. He also sent special reports to the Magistrate and other higher Police Officers through Constable Rajesh.

(iv) PW4 EASI Surrender No.869/SPT tendered his affidavit Ex.PW4/A, vide which he deposed that on 26.07.2019, Lady ASI Sanotsh got deposited with him two sealed parcels, an envelope and a parcel containing a blood sample sealed with the seal of the doctor and a car bearing registration No. HR-10T-3484. He further deposed that aforesaid case properties including two sealed parcels, an envelope and a parcel containing the blood sample sealed with the seal of the doctor were handed over to Constable Major Singh for getting the same deposited with FSL, Madhuban vide RC No.79 dated 19.08.2019 and receipt thereof was handed over to him after getting the same deposited with FSL, Madhuban. He further deposed that during the time the case properties remained in his custody neither he nor any body was allowed to tamper with the same.

(v) PW5 Prosecutrix/complainant deposed that she was a resident of Karnal. She met Yogender-accused on 31.12.2018 at Murthal fly-over, Sonipat. He met her as a taxi driver at that time. He told her that he would drop her to Rohtak from Sonipat in his swift Car. At that time, her sister Kavita also accompanied her. The accused took them to Rohtak in his swift Car and dropped them there. Accused Yogender took her mobile number on the way. Thereafter, he used to talk with her on phone and facebook. He called her at Murthal on 18.03.2019. On the asking of the accused, she came to Murthal and made a telephonic call to him, upon which he came there in order to meet her. He took her to Bollywood Dhaba. They ate food there and thereafter,

he took her to a secluded place near Rajiv Gandhi University in his Car and forcibly committed rape upon her despite her resistance. He had an iron rod in his car and he threatened her that he would kill her if she narrated the incident to anyone. Then, he took her to the Murthal flyover in his car and again committed rape upon her against her wishes. When she told him that she would report to the police, then he proposed for marriage to her. After 4/5 days, Yogender again called her to Murthal flyover. He took her to his house and again committed he forcible rape upon her. He again enticed her by proposing marriage and told her that he would get her name in his Aadhar card instead of his wife. He told her about his wife later on after the incident. He told her that he would kill his wife and he sent some obscene pictures of his wife to her face-book account. He disclosed to her that his wife was having illicit relation with one Anuj. He gave her the mobile phone number of Anuj and asked her to talk with him. Accordingly, she made a call to Anuj at the given number but Anuj abused her at that time. Thereafter, the accused started calling her on the phone but she told to him not to call her. The wife of the accused assured her that she would help her in legal proceedings if the accused called her in future. On 25.07.2019, she moved the complaint Ex.PW3/A which bore her signature at Point-A. Police conducted the investigation. She had shown the places of occurrence to the police. The police got conducted her medico-legal examination from Government Hospital, Sonipat. The doctor took samples and her clothes. She was also produced before the legal aid counsel, who made her report Ex. PW2/A, which bore her signature at Point-A. She was produced before the Magistrate, who recorded her statement. She proved her statement Ex. PW-5/A under Section 164 Cr.P.C. which she made before the Magistrate

On 28.07.2019, she produced her mobile phone before the Police and she also produced 66 pages of chats before the police.

(vi) PW6 Sandeep Kumar, Halqua Patwari deposed that on 19.08.2019, he visited the place of occurrence in village Sewali, District Sonipat and prepared the aks-sizra Ex.PW6/A.

(vii) PW7 Retd. Inspector Kuldeep Singh deposed that on 26.08.2019, he was posted as Inspector/Station House Officer, in Police Station Rai, Sonipat. On that day, after completion of investigation in the present, he had verified the contents of investigation and prepared the report under Section 173 Cr.P.C., which bore his signature.

(viii) PW8 Constable Rajesh Kumar No.2160/SPT deposed that on 25.07.2019, he was posted as a Constable in Police Station Rai, Sonipat. On that day, ASI Ravinder had handed over three envelopes of special reports to the him to deliver the same to the Area Magistrate, Superintendent of Police and Deputy Superintendent of Police concerned and he delivered the same to all the above said officers without any delay on his part.

(ix) PW9 Kavita D/o Mehar Singh deposed that the prosecutrix disclosed to her about meeting Yogender resident of Jeevan Vihar, Gali No.5, Sonipat in the month of December-January, while she was going from Sonipat to Rohtak. After that the prosecutrix and Yogender were in touch through phone. The prosecutrix also disclosed to her that on 18.03.2019, accused Yogender had called her at Murthal and took her to Bollywood Dhaba for taking food and after that he took her to a lonely place near Rajiv Gandhi University in his car, where he committed rape upon her, He committed rape by enticing her with marriage.

(x) PW10 Dr. Staffi Kumar, Medical Officer tendered her duly sworn affidavit Ex-PW-10/A in evidence vide which, she deposed that on 26.07.2019, she medico-legally examined the prosecutrix vide MLR Ex. PW10/B. She deposed that the possibility of sexual assault on the person of the victim could not be ruled out.

(xi) PW11 Rahul S/o Shri Krishan deposed that he was running a Photostat shop in the name of Jeevika at village Rai. He took out the print of chats from the phone of Sanju D/o Mehar Singh, which were Ex.P1 to Ex. P66. He made statement Ex. PW11/A. He issued certificate Ex.PW11/B under Section 65B of the Indian Evidence Act.

(xii) PW12 Constable Amarjeet No. 2157/SPT deposed that on 13.09.2019, he was posted as a computer operator in Police Station Rai. On that day, he generated the call details report of mobile no.9813040088, 8368580448 of accused Yogender and mobile No.9643758330 of the prosecutrix from the computer and handed over the same to L/ASI Santosh. He proved the call detail report running into 65 pages as Ex.PW-12/A. L/ASI Santosh took the same into police possession vide memo Ex.PW-12/B, which was attested by him. He had also handed over certificate under Section 65-B of Indian Evidence Act Ex.PW-12/C, which bore his signature at point-A. He also handed over two pages of address Ex.D-1 and Ex.P-1 to the investigating officer.

(xiii) PW13 Dr. Rahul Antil, Medical Officer tendered his duly sworn affidavit Ex.PW13/A into evidence, vide which, he deposed that on 26.07.2019, he medico-legally examined Yogender S/o Hukam Singh (accused) vide MLR Ex.PW13/B. He deposed that after perusing FSL Ex.PX/1, he reaffirmed his earlier opinion that there was nothing to suggest that accused was incapable of performing sexual assault.

(xiv) PW14 HC Balraj deposed that on 26.07.2019, he was posted as Head Constable in Police Station Rai. On that day, he joined the investigation with L/ASI Santosh, investigating officer of the present case. The investigating officer got conducted the counselling and medical examination of prosecutrix. Thereafter, the prosecutrix was produced before the Area Magistrate and her statement under Section 164 Cr.P.C. was got recorded. After medical examination of the prosecutrix, the concerned doctor had handed over a sealed parcel of

clothes along with sample seal and a sealed envelope and copy of the MLR to investigating officer. Investigating officer took the same into police possession vide memo Ex. PW5/B. After completing of all formalities, the custody of prosecutrix was handed over to her sister Kavita vide memo Ex.PW5/C, which bore his signature as well as that of prosecutrix. On the same day accused Yogender was arrested by L/ASI Santosh and interrogated. During interrogation, he suffered his disclosure statement Ex.PW14/A, wherein he confessed about the commission of crime of this case, which bore his signature as well as of accused. At the time of the arrest of the accused, he produced vehicle bearing registration No.HR-10T-3484 along with the RC, which was used at the time of the commission of the crime. The investigating officer took the same into police possession, vide memo Ex.PW14/B, which bore his signature as well as of accused. At the time of arrest, the accused also produced a mobile make Samsung, silver colour, which was taken into police possession. In pursuance to his disclosure statement, the accused got demarcated the place of occurrence in Rajiv Gandhi Education City, Thereafter, the accused was produced before the Medical Officer for medical examination. The concerned doctor handed over one sealed parcel of clothes, one blood sample, sample seal and sealed envelope to the investigating officer. The investigating officer took the same into police possession vide memo Ex.PW14/E, which bore his signature as well as that of the accused. The investigating officer recorded his statement under Section 161 CrPC.

(xv) PW15 Lady ASI Santosh No. 835/SPT deposed that on 25.07.2019, she was posted as investigating officer in Police Station Rai. On that day, after registration of case, ASI Amarjeet had handed over the case file to her for further investigation. On 26.07.2019, she visited the place of occurrence i.e. education City Rai along with the complainant and prepared rough site plan Ex. PW15/A. She along with the prosecutrix reached Civil Hospital, Sonipat and she moved an

application Ex.PW15/B to Medical Officer for conducting the medical examination of the prosecutrix. Thereafter, she along with the prosecutrix reached the Court complex. She moved application Ex.PW15/B/1 for conducting the counseling of the prosecutrix. She moved an application Ex.PW15/C to the Area Magistrate for recording the statement of the prosecutrix under section 164 Cr.P.C. which was recorded. Thereafter, custody of prosecutrix was handed over to her sister. On the same day, she arrested accused Yogender and interrogated. During interrogation accused suffered his disclosure statement Ex.PW-14/A, wherein he confessed about the commission of crime of this case and produced his vehicle used in the offence alongwith his mobile phone. He also demarcated the place of occurrence in Rajiv Gandhi Education City. On 28.07.2019, the prosecutrix produced her mobile phone and took 66 pages of printout of chats from messenger chatting from one shopkeeper, which were Ex.P-1 to Ex.P-66 and she took the same into police possession vide recovery memo Ex.PW-5/D which bore signatures of the prosecutrix. On 13.09.2019, Computer Operation Constable Amarjeet generated the call details report of bearing mobile no.9813040088, 8368580448 of accused Yogender and mobile No.9643758330 of the complainant from the computer and handed over the same to her. He took the same into police possession. Constable Amarjeet also handed over certificate under Section 65-B of the Indian Evidence Act Ex.PW-12/C. Constable Amarjeet also handed over two pages of addresses which are Ex.D-1 and Ex.P-1 to her. On 26.08.2019, after completion of investigation in the present case, the report under Section 173 Cr.PC. was prepared by Inspector Kuldeep Singh, which bore his signature. On 24.09.2020, she received a report from the Cyber Lab DITAC Gurugram and she produced the same before the Court as a supplementary document. She recorded the statement of relevant witnesses.

(xiv) PW16 Shri Ashok Kumar, Judicial Magistrate Ist Class deposed that on 26.07.2019, ASI Santosh produced the prosecutrix before him after moving application Ex.PW15/D for recording her statement under Section 164 Cr.P.C. After making some formal inquiry from her, she was granted some time to reconsider and to relax herself before giving her statement. The prosecutrix was directed to sit in the Court room separate from the police official. After satisfying himself, that there was no pressure, coercion, threat of any kind on her and she understood the purpose of coming to the Court, he recorded her statement. It was written by him and was read over to the prosecutrix and admitted by her to be correct. The said statement was Ex.PW-5/A which bore his signature at point B. He issued a Certificate Ex. PW16/A and zimni orders Ex. PW-16/B and Ex.PW16/C in this regard.

(xv) PW17 Constable Vinod Kumar No.1568/Gurugram deposed that on 21.01.2020, he was posted at the DITAC Lab, CID Gurugram. On that day, ASI Santosh produced a sealed parcel having seal impression 'SN' and thereafter, he opened the said parcel on the same day, and one mobile phone make Samsung, golden colour with two SIM cards Vodafone were taken out. He extracted data using software XRY and Cellebrite UFED 4PC. He extracted the data from the mobile phone and SIM cards and copies in a pen-drive 16GB and had handed over them to EHC Puran Mal. On 24.09.2020, he prepared a report in this regard, which was Ex.PW17/A, and bore his signature. He issued certificate Ex.PW17/C under Section 65-B of the Indian Evidence Act. Pendrive was Ex.PW-17/D.

(xvi) DW1 Urmila W/o Ramesh deposed that accused Yogender was her brother and had been falsely implicated in this case. Sushma (wife of Yogender), Anuj Pandit and Victim/prosecutrix falsely implicated her brother in this case as Sushma was having illicit relation with Anuj Pandit and they wanted to get him arrested or murdered. Her brother Yogender transferred three plots and one house

in the name of Sushma. Sushma sold one of the plot after the arrest of Yogender. The victim was in touch with Anuj Pandit. ASI Santosh was known to Anuj Pandit and Sushma and she got lodged this false case. Her brother was arrested by ASI Santosh on 24.07.2019 and he was sent to jail on 27.07.2019. They all conspired and got falsely implicated the accused in the present case. Anuj Pandit had an altercation with her brother i.e. accused Yogender and they had quarreled with each other for which Anuj Pandit gave a complaint in Police Post, Rajiv Gandhi Education City Rai, where Anuj Pandit threatened accused Yogender that he was having contacts with respectables and he would put Yogender in the situation that he would not be able to show his face to any one.

9. Based on the evidence led, the accused-respondent No.2 came to be acquitted vide judgment dated 22.09.2022 passed by the Additional Sessions Judge, Fast Track Court, Sonapat.

10. It is the aforesaid judgment which is under challenge before this Court.

11. The learned counsel for the appellant contends that minor contradictions in the deposition of the prosecution witnesses had been given undue importance while acquitting the accused. The prosecutrix PW-5 and her sister/PW-9 had supported the case of the prosecution in material particulars. The deposition of the said witnesses were in consonance with the medical evidence on record. The offence had been committed on the pretext of the accused wanting to solemnize marriage with the prosecutrix. The call records clearly established the relationship between the two and the said record had been disbelieved without any cogent reason. He, therefore, contends that the impugned judgment is liable to be set aside and

the accused-respondent No.2 ought to be convicted for the offence in question.

12. The learned counsel for the State-respondent No.1 while supporting the case of the appellant/complainant contends that the impugned judgment was not based on proper appreciation of the evidence on record and, therefore, the judgment of acquittal was liable to be set aside.

13. We have heard the learned counsel for the parties and examined the record.

14. The instant case was registered on the complaint Ex.PW3/A of the prosecutrix/complainant PW5, according to whom, the accused took her to Bollywood Dhaba and thereafter, to a lonely place where he committed rape upon her forcibly and when she extended threats to report the matter to the police, he proposed marriage to her and again on the same day, he forcibly committed rape upon her near the Flyover at Murthal. Again, after 3/4 days, he called her to his house in the night and committed rape upon her. He played fraud with her and now was not responding to her messages. On the basis of this complaint, the formal FIR was registered and during investigation, the statement of the prosecutrix was recorded under Section 164 Cr.PC, and while appearing in the witness box as PW5, she supported her version. However, the testimony of the prosecutrix/victim is not reliable so as to record the conviction of the accused as there are material contradictions, improvements, exaggerations and infirmities in her statements, which go to the root of the prosecution case making the case of the prosecution highly doubtful and the benefit of which must go to the

accused. In her complaint Ex.PW3/A, she stated that she had met with the accused while traveling from Sonipat to Rohtak and in her statement recorded under Section 164 Cr.P.C., no reference in this regard has been given by the prosecutrix whereas in her deposition before the Court as PW5 she deposed that on 21.12.2018, at Murthal Flyover, Sonipat, the accused met her as a Taxi driver and told her that he would drop her to Rohtak from Sonipat in his Swift Car. At that time, her sister Kavita also accompanied her but neither in her complaint nor in her statement recorded under Section 164 Cr.P.C. before the Magistrate, did the prosecutrix state about the presence of her sister with her at the time of her first meeting with the accused. The prosecutrix in her statement recorded under Section 164 Cr.P.C. did not make any reference about the episode of 31.12.2018. She further mentioned in her complaint Ex.PW3/A that on 18.03.2019, firstly, the accused committed rape upon her forcibly at a lonely place near Rajiv Gandhi University in his car and secondly, on the same day, he again committed rape upon her forcibly near Murthal Flyover but in her statement recorded under Section 164 Cr.P.C., she did not state about the second incident of rape committed by the accused in his car near the Murthal Flyover. Further, the prosecutrix in her deposition before the Court as PWS stated in her examination-in-chief that the accused was having an iron rod in his car and he threatened her that he would kill her if she narrated the incident to anyone but this fact of threatening the prosecutrix by the accused was not found either in her complaint Ex.PW3/A or in her statement recorded under Section 164 Cr.P.C. Ex.PW5/A. She, in her complaint

Ex.PW3/A as well as in her deposition before the Court stated that after 4/5 days of the alleged occurrence on 18.03.2019, the accused again called her at Murthal Flyover and he took her to his house and he again committed rape upon her and he again enticed her for marriage but this fact again was not found mentioned in her statement recorded under Section 164 Cr.P.C Ex.PW5/A. While appearing in the witness box, she stated that the accused had told her that he would get her name in his Aadhar card instead of his wife and stated that he would kill his wife but these facts were not mentioned in her complaint Ex.PW3/A or in her statement recorded under Section 164 Cr.P.C. The prosecutrix (PW-5) deposed that the accused told her about his wife later on after the incident and admittedly, despite having knowledge about the status of the accused being married, she did not take any action against him and kept contacting him on his mobile number. This fact creates a serious doubt in the case of the prosecution. Interestingly, she lastly met the accused in the month of March, 2019 and she reported the matter to the police in the month of July, 2019. This delay of four months also creates a serious doubt over the veracity of the prosecution case. While, it is true that the sole testimony of a prosecutrix can be relied upon for the purpose of conviction without any corroboration if the same inspires confidence, but if the Court finds it difficult to accept the version of the prosecutrix, it may look for corroboration. In the instant case, the sister of the prosecutrix, PW9 stated during her deposition before the Court that her sister (prosecutrix) disclosed to her, in the month of December-January while she was going from Sonipat to Rohtak, she had met the accused

whereas in her deposition, the prosecutrix (PW5) deposed that in the month of December-January, while she was going from Sonipat to Rohtak, her sister Kavita was accompanied by her. Further, PW9 Kavita while appearing in the witness box did not disclose about the incident of rape allegedly committed by the accused after 3/4 days of calling the prosecutrix at his house at night. These material contradictions make the case of the prosecution highly doubtful. Therefore, there is no corroboration to the statement of the prosecutrix and the story projected by the prosecution is unbelievable.

15. From the medical evidence also, allegations of rape have not been proved as PW10 Dr. Staffi Kumar, Medical Officer, while appearing in the witness box specifically deposed that she had medically examined the prosecutrix vide MLR Ex.PW10/B and while conducting the medical examination, she took into possession samples and clothes of the prosecutrix. They were sent for chemical examination to FSL, Madhuban. The FSL report Ex.PX showed that semen could not be detected on any of the clothes and samples of the prosecutrix.

16. The prosecution witnesses have failed to prove any evidence of contact between the prosecutrix and the accused as the prosecution could not prove on record who were the actual users and in whose names the mobile Nos.981304008, 8368580448 and mobile No. 9643758330, which the call details and other data were collected by the prosecution, existed. Be that as it may, even if the accused and prosecutrix were in contact with each other, the case of the prosecution is certainly on a weak footing.

17. As to how an appeal against a judgment of acquittal is to be dealt with, the Hon’ble Supreme Court in *Kallu @ Masih & Ors. Vs. State of Madhya Pradesh 2006(1) RCR (Criminal) 427* has held as under:-

“ 8. While deciding an appeal against acquittal, the power of the Appellate Court is no less than the power exercised while hearing appeals against conviction. In both types of appeals, the power exists to review the entire evidence. However, one significant difference is that an order of acquittal will not be interfered with, by an appellate court, where the judgment of the trial court is based on evidence and the view taken is reasonable and plausible. It will not reverse the decision of the trial court merely because a different view is possible. The appellate court will also bear in mind that there is a presumption of innocence in favour of the accused and the accused is entitled to get the benefit of any doubt. Further if it decides to interfere, it should assign reasons for differing with the decision of the trial court.”

18. In view of the aforementioned discussion and keeping in view the law laid down in *Kallu @ Masih & Ors. Case (supra)*, we find no reason to interfere with the well reasoned judgment dated 22.09.2022 passed by the Additional Sessions Judge, Fast Track Court, Sonapat. Therefore, the present appeal stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

(SUDHIR SINGH)
JUDGE

September 24, 2024
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No