

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

- (1)

CRA-D No.1333-DB of 2014 (O&M)

Kuldeep and another

...Appellants

Versus

State of Haryana

...Respondent
- (2)

CRA-D No.1414-DB of 2014 (O&M)

Amit

...Appellant

Versus

State of Haryana

...Respondent
- (3)

CRA-D No.1584-DB of 2014 (O&M)

Ravinder

...Appellant

Versus

State of Haryana

...Respondent
- (4)

CRR No.4537 of 2017 (O&M)

Vikram @ Vicky

...Petitioner

Versus

State of Haryana

...Respondent

Reserved on : 14.10.2025
Pronounced on : 08.12.2025
Uploaded on : 10.12.2025



*Whether full judgment is pronounced
or operative part thereof: Full Judgment*

**CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Argued by:- Mr. Shekhar Mudgal, Advocate
for the appellants in CRA-D No.1333-DB of 2014.

Mr. Ashok Kumar Sharma (Bhana), Advocate
for the appellant in CRA-D No.1414-DB of 2014.

Mr. J.P. Jhangu, Advocate
for the appellant in CRA-D No.1584-DB of 2014.

Mr. Partap Singh, Advocate,
Mr. Vikas, Advocate and
Mr. Manav Sharma, Advocate
for the petitioner in CRR No.4537 of 2017.

Mr. Dhruv Dayal, Addl. A.G., Haryana
for the respondent-State.

Meenakshi I. Mehta, J.

All the three afore-captioned Criminal Appeals and one Criminal Revision are being taken up together for discussion and adjudication as these have arisen out of the same FIR bearing No.232 dated 02.08.2013 registered at Police Station Uchana, under Sections 376(D), 376(2)(G) and 506 IPC and Sections 6/14(3) of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act').

2. CRA-D No.1333-DB of 2014 has been preferred by appellants Kuldeep and Anil and CRA-D No.1414-DB of 2014 has been filed by appellant Amit whereas CRA-D No.1584-DB of 2014 has been moved by appellant Ravinder to lay challenge to the judgment dated 19.07.2014 and order on sentence dated 23.07.2014 handed down by learned Additional

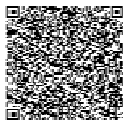


Sessions Judge, Jind (for short ‘the trial Court’), whereby they have been held guilty for committing the offences punishable under Sections 376-D and 506 read with Section 34 IPC and Sections 6 and 14(3) of the POCSO Act and appellants Ravinder and Amit have, additionally, been convicted for the commission of offences under Sections 363 and 366-A read with Section 34 IPC and they (appellants) have been awarded the sentences as under:-

<i>Convicts</i>	<i>Offences</i>	<i>Rigorous Imprisonment (each)</i>	<i>Fine (each)</i>	<i>In default of payment of fine, rigorous imprisonment (each)</i>
<i>Amit and Ravinder</i>	<i>363/34 IPC</i>	<i>7(seven) years</i>	<i>Rs.2000/-</i>	<i>15 (fifteen) days</i>
<i>Amit and Ravinder</i>	<i>366-A /34 IPC</i>	<i>7(seven) years</i>	<i>Rs.5000/-</i>	<i>1(one) month</i>
<i>Ravinder, Amit, Kuldeep and Anil</i>	<i>376-D/ 34 IPC & 6 of POCSO Act</i>	<i>20 (twenty) years</i>	<i>Rs.10,000/-</i>	<i>2 (two) months</i>
<i>Ravinder, Amit, Kuldeep and Anil</i>	<i>14(3) POCSO Act</i>	<i>Life Imprisonment</i>	<i>Rs.15,000/-</i>	<i>3 (three) months</i>
<i>Ravinder, Amit, Kuldeep and Anil</i>	<i>506/34 IPC</i>	<i>2 (two) years</i>	<i>Rs.1000/-</i>	<i>One week</i>

All the sentences have been ordered to run concurrently.

3. In CRR No.4537 of 2017, petitioner Vikram has assailed the judgment dated 08.08.2016 and order on sentence dated 09.08.2016 passed by learned Principal Magistrate, Juvenile Justice Board, Jind (for short ‘PM, JJB’), holding him and his co-accused Sewa Singh guilty for committing the offences punishable under Sections 376-D and 506 read with Section 34 IPC (but acquitting them under Section 376(2)(i) IPC) and sentencing them as detailed below:-



<i>Offence</i>	<i>Sentence</i>
<i>U/S 376-D IPC read with Section 34 IPC</i>	<i>Period of stay of three years</i>
<i>U/S 506 IPC read with Section 34 IPC</i>	<i>Period of stay of two years</i>

It was specifically ordered that the periods of sentences would not run concurrently.

The petitioner has also challenged the judgment rendered by learned Additional Sessions Judge, Jind (as ‘the appellate Court’) on 31.10.2017 dismissing Criminal Appeal No.68 of 2016, filed by him and Criminal Appeal No.74 of 2016, preferred by his co-accused Sewa against the above-mentioned judgment and order on sentence passed by learned PM, JJB but however, modifying the order on sentence to the extent that both the sentences were ordered to run concurrently. It is to be noted that CRR No.4638 of 2017 filed by afore-said Sewa Singh challenging the above-referred judgment dated 08.08.2016 and order on sentence dated 09.08.2016 and judgment dated 31.10.2017 was dismissed by this High Court on 18.07.2018.

4. Bereft of unnecessary details, the facts, culminating in the filing of present Appeals and Revision, are that on 02.08.2013, Inspector/ SHO Rohtash Singh, along-with some other police officials, was present at Old Bus Stand, Uchana Mandi for patrolling and crime checking. The prosecutrix (here-in-after to be referred as ‘P’), accompanied by her mother and paternal-uncle, met him and informed him about the alleged commission of offences. On receipt of this information, the afore-named SHO requested Ms. Anuradha Sharma, Advocate, Member of the Legal Aid Panel and SI



Santosh Devi, Women Cell, Jind, to reach there. After their arrival, 'P' made a statement in their presence which was reduced into writing accordingly. 'P' stated that she was studying in 10+1 Class in the Govt. Girls Senior Secondary School, Uchana Mandi. Appellant Ravinder @ Vicky had been running a repair-shop near their house under the name and style of 'Vicky Auto Care' and being neighbourer, he used to frequently visit their house for getting butter-milk and water. However, six months prior to that day, the above-named appellant had shifted his shop to Koth Bus Stand but he continued visiting their place. About two months earlier, her mother had gone to the house of her uncle Radhey Sham for grinding the wheat and her father was away in connection with his work. At about 10:00/10:15 PM, she was going to her uncle's house for calling her mother and the electricity supply had gone off at that time. Appellants Ravinder and Amit met her on the way and they forcibly made her to sit on the motor-cycle and gagged her mouth and took her to the afore-referred shop at Koth Bus Stand. Four boys, whose names she came to know, later-on, as Kuldeep @ Sunda, Vikram @ Vicky, Sewa and Anil, were already present there. The appellants, petitioner Vikram and their co-accused Sewa raped her turn by turn and prepared the video-film of above-said act on mobile-phone. She started crying out of pain and they (all the six accused) threatened that in case, she disclosed the incident to anyone, they would kill her and her family members and would also defame her by making the video-film/clip public. After reaching home, she did not disclose about the afore-described occurrence to anyone, out of fear. Thereafter, the above-named accused used to call her at the shop for sexual favours but she kept on refusing for the same.



5. 'P' further alleged that on 01.08.2013, she was crossing the shop of appellant Ravinder @ Vicky and he, along-with appellant Amit, was standing in front of his shop. They said to her that she had not come despite their repeated calls and when she told them not to force her for doing so, they handed over a CD to her while telling that after watching the same, she might come to them or otherwise, they would make it (CD) public. After returning home, she was watching the afore-said CD and in the meantime, her paternal-uncle and mother came there and she disclosed the entire facts to them. This statement was forwarded to the police station where a formal FIR was registered. The CD, as produced by 'P', was taken into possession. She ('P') was got medico-legally examined and her statement was also got recorded under Section 164 Cr.P.C. The appellants and petitioner and their co-accused Sewa were arrested. Further necessary investigation was, then, carried out and on completion thereof, Challan/Final Police Report under Section 173 Cr.P.C was prepared against the appellants and was presented in the Court. Since petitioner Vikram and accused Sewa had been declared to be juveniles, therefore, separate Challan was prepared against them and was presented before the Competent Court.

6. After the case (for short 'the Sessions Case') against the appellants was committed to the Court of Sessions at Jind, the same had been assigned to learned Additional Sessions Judge, Jind, i.e the trial Court, for its trial. After hearing learned Public Prosecutor for the State and learned defence counsel and perusing the Challan/Final Police Report as also the documents annexed therewith, learned trial Court framed the charges against appellant Amit under Sections 363 and 366-A IPC and also



charge-sheeted all the appellants under Sections 376-D, 506 read with Section 34 IPC and Sections 6 and 14(3) of the POCSO Act. All the appellants pleaded not guilty to the charges and claimed trial. It is pertinent to mention here that on 19.07.2014, learned trial Court observed that appellant Ravinder had not been charge-sheeted under Sections 363 and 366A read with Section 34 IPC and therefore, the additional charge qua the above-referred offences was framed against him and he pleaded not guilty to the same.

7. In order to bring home the guilt of appellants, the prosecution examined as many as fifteen (15) witnesses, i.e 'P' as PW1, Santosh as PW2, Dr. Swati Jain as PW3, L.C. Sonia as PW4, EASI Dharambir Singh as PW5, Dr. Sushil Garg as PW6, SI Jagbir Singh as PW7, EASI Rajender Singh as PW8, SI Rajender Singh as PW9, SI Santosh as PW10, SI Jaibir as PW11, Principal named Indu Sheokand as PW12, Draftsman Kuldeep Gupta as PW13, Inspector Rohtash as PW14 and Inspector Manoj as PW15. Thereafter, learned Public Prosecutor for the State closed the prosecution evidence. Then, the appellants were examined under Section 313 Cr.P.C to explain the incriminating material/circumstances, appearing against them in the prosecution evidence, as led on record, wherein they pleaded innocence and stated that they had falsely been implicated in this case. They tendered birth-certificates Exhibits DX and DY and closed their defence evidence. After hearing learned counsel for both the parties and evaluating the material as available on the record, learned trial Court held the appellants guilty and awarded the sentences to them, as already described in Para No.2 of this judgment.



8. Learned PM, JJB also framed the charges against petitioner Vikram (in CRR No.4537 of 2017) and his co-accused Sewa for the commission of offences under Sections 376-D, 376(2)(i) and 506 IPC and both of them pleaded not guilty to the charges and claimed trial.

9. To substantiate its allegations against the petitioner and his afore-named co-accused, the prosecution examined nineteen (19) witnesses namely Inspector Rohtash as PW1, LC Sonia as PW2, 'P' (again numbered as PW2), Santosh as PW3, SI Santosh Devi as PW4, EASI Dharambir Singh as PW5, EASI Rajender Singh as PW6, SI Rajender Singh as PW7, Dr. Sushil Garg as PW8, SI Jaibir as PW9, Dr. Swati Jain as PW10, Draftsman Kuldeep Kumar as PW11, Inspector Manoj Kumar as PW12, ESI Jagbir Singh as PW13, ASI Rajender Singh as PW14, Advocate Anuradha Sharma as PW15, Jogi Ram, Record Keeper, Sessions Court, Jind as PW16, Smt. Taranjit Kaur, Civil Judge (Senior Division), Kaithal as PW17 and Dr. Anil Kumar as PW18. After the closure of prosecution evidence by learned Assistant Public Prosecutor for the State, the petitioner and his co-accused were examined under Section 313 Cr.P.C to explain the circumstances, appearing against them in the prosecution evidence, as adduced on record, wherein they stated that the case of prosecution was false and the witnesses had also deposed falsely. However, they did not lead any evidence in their defence. After hearing learned counsel for the parties and appraising the record, learned PM, JJB acquitted the petitioner and his co-accused Sewa of the charge qua offence under Section 376(2)(i) IPC but held them guilty for the commission of offences under Sections 376-D and 506 read with Section 34 IPC and sentenced them accordingly. Separate appeals, as preferred by



them have been dismissed by learned appellate Court, while modifying the punishment awarded to them, as detailed in Para No.3 of this judgment.

10. We have heard learned respective counsel for the appellants in the instant three (03) Criminal Appeals and for the petitioner in CRR No. 4537 of 2017 as well as learned counsel for the respondent-State in all these cases and have also gone through the record carefully.

11. Learned counsel for the appellants and petitioner have contended that the alleged occurrence is stated to have taken place in June 2013 whereas the formal FIR was registered on 02.08.2013 and thus, there was a huge delay of two (02) months on the part of 'P' in reporting the matter to the police and this delay, by itself, casts a shadow of doubt on the entire version of prosecution.

12. However, the above-raised contention is devoid of any merit because while appearing as PW1 in the Sessions Case and as PW2 before learned PM, JJB, 'P' categorically deposed that all the six boys had raped her turn by turn and had also video-graphed this act in the mobile-phone and they had threatened her that in case, she disclosed the incident to anyone, they would kill her and her family members and would make the video-film public and would, thereby, defame her and therefore, she had not disclosed the afore-said facts to anyone but thereafter, the accused had repeatedly been calling her at the shop and she had refused for the same and when on 01.08.2013, she was passing in front of the shop of appellant Ravinder, he and appellant Amit, who were present there, handed over one CD to her and asked her to watch the same and said that thereafter, if she wanted, she could come to them or otherwise, they would make it (CD)



public and on the next day, on finding an opportunity, she started viewing the above-referred CD and in the meantime, her mother and paternal-uncle came there and asked her as to what she was watching and then, she mustered courage and disclosed the said incident to them. 'P' was studying in 10+1 Class at the time of occurrence in question and she had, allegedly, been threatened by the appellants, petitioner and accused Sewa with the afore-mentioned dire consequences in the eventuality of her disclosing the incident to anyone. In such circumstances, her silence in respect of the alleged occurrence, out of fear, is not unusual at all and in fact, on being noticed by her mother and paternal-uncle while watching the CD, she had narrated the entire facts to them on 01.08.2013, for the first time and the FIR had been lodged on the very next day, i.e on 02.08.2013. In view of these facts and circumstances, the delay in registration of the FIR stands plausibly explained and the same cannot be termed to be an inordinate one and hence, it cannot be construed to have any adverse effect on the version of 'P' and the case of prosecution as well.

13. Learned counsel for the appellants have pointed out that PW12 Indu Sheokand, Principal of Govt. Girls Senior Secondary School, Uchana Mandi, has deposed that as per the summoned record, the date of birth of 'P' was 10.05.1998 but during her cross-examination, she has stated that in the primary school record, P's date of birth had been mentioned as 10.05.1997 and they have also drawn our attention to the depositions, as made by PW2 Santosh, mother of 'P', to the effect that 'P' was born two (02) years after the birth of her son Govind and have, then, referred to Exhibit DX, the copy of birth-certificate of son of Roshan and Santosh, the parents of 'P', wherein



his date of birth has been recorded as 26.10.1991 and have further pointed out that Exhibit DY is the copy of birth-certificate of 'Nirmal', the daughter of parents of 'P', showing her (Nirmal's) date of birth as 14.10.1997 and they have contended that from the above-discussed evidence, it becomes explicit that the dates of birth of 'P', as entered in the school record, were incorrect and in fact, she was more than 18 years old at the time of alleged incident and therefore, the provisions of POCSO Act were not attracted in the present case.

14. However, the afore-referred contention is bereft of any force because though during her cross-examination, PW12 has stated that in the primary school record brought by her, the date of birth of 'P' had been mentioned as 10.05.1997 whereas during her examination-in-chief, she has deposed that as per the record of their school, her ('P's) date of birth was 10.05.1998 but it is apposite to clarify here that she (PW12) has specifically stated during her cross-examination itself that the above-said discrepancy/ mistake had crept in the record while making an entry for admission in 9th Standard. As discussed earlier, 'P' was studying in 10+1 Class at the time of incident in question. From the afore-detailed depositions of PW12, it becomes clear that the date of birth of 'P' had been recorded as 10.05.1997 at the time of her admission in the primary school, much prior to the above-referred occurrence and even the mistake of mentioning the same in the subsequent school record as 10.05.1998, had occurred almost two (02) years prior to the alleged incident and thus, both the entries had not been made to falsely show 'P' to be under the age of 18 years at that time. Even if her (P's) date of birth is taken as 10.05.1997, even then the fact remains that at



the time of alleged commission of offence in June, 2013 and on 01.08.2013 as well, her age was slightly more than/above 16 years. Moreover, PW2, the mother of 'P', has categorically deposed during her cross-examination that she got married about 20 years ago and her son Govind was born about 02 years after her marriage and 'P' was born 02 years thereafter. From these depositions also, it becomes explicit that 'P' was about 16 years old at the relevant time. In such circumstances, it is held that 'P' was under the age of 18 years at the time of occurrence in question and was, therefore, a 'Child' within the meaning of Section 2(d) of the POCSO Act.

15. So far as birth-certificates Exhibits DX and DY are concerned, it is worth-while to mention here that the same had been tendered by the appellants in their defence evidence only and they did not summon the original record in respect thereof, from the concerned quarter so as to prove the same in accordance with law and did not put these certificates to 'P' or her mother while cross-examining them as PW1 and PW2 respectively and also did not cross-examine P's mother (PW2) regarding the age of her two (02) other daughters besides 'P' and did not even ask her as to whether any of her daughters had ever been named as 'Nirmal' or not. It being so, these certificates cannot be read in defence evidence. To add to it, the appellants have not produced the birth-certificates of said two (02) other daughters of PW2, on the record.

16. Learned counsel for appellant Ravinder @ Vicky has contended that in her statement Exhibit PA as recorded by PW14-Inspector/SHO, 'P' has alleged that all the accused, including appellant Ravinder @ Vicky, had raped her by taking turns but in her statement Exhibit PB as recorded under



Section 164 Cr.P.C, she has stated that the afore-named appellant had not raped her and he had, rather, abducted her and had only been watching the occurrence and this discrepancy in her above-discussed versions makes her entire testimony as PW1, highly doubtful.

17. Again, the afore-raised contention does not hold any water because though in her statement Exhibit PB, 'P' had stated that appellant Ravinder @ Vicky had not raped her but it is again necessary to point it out here that while deposing as PW1, she ('P') has categorically stated during her cross-examination that she had not mentioned the name of the above-said appellant in her statement recorded under Section 164 Cr.P.C, Exhibit PB, as she was under threat from him. Moreover, at the time of recording her depositions, learned trial Court has specifically mentioned that a CD (video), as stated to have been handed over by her ('P' i.e PW1) to the police, had been played in the lap-top provided to that Court and has further observed as under:-

“the witness stated that the girl seen therein is she herself. She has stated that the boys visible in this video C.D are Anil, Kuldeep, Sewa. She further stated that the first boy wearing white shirt visible in the C.D is Sewa, the boy in blue T-shirt is Vicky @ Ravinder. Another boy who is seen standing in white shirt is Amit, seen in the clip after about one minute ten seconds of video clip. The boy sitting on a Takht in Jeans and green blue T-shirt is Kuldeep. The boy seen who is putting hand on my mouth is Vicky @ Ravinder. The boy who is standing nearby wearing check shirt is Anil. Again stated that the boy in check shirt is Vikram. The C.D is ExP1. It is also observed herein that C.D is containing obscene act as if a girl is subjected to



sexual assault.”

In para No.54 of judgment dated 19.07.2014, it has specifically been mentioned by learned trial Court that

“in the aforesaid CD, the prosecutrix can also be clearly heard crying and shouting. It is also clearly visible that the prosecutrix was being held by one when the other accused was committing rape turn by turn.”

In view of the afore-detailed facts and circumstances, the above-referred version, as set-forth by ‘P’ in her statement Exhibit PB (recorded under Section 164 Cr.P.C) regarding appellant Ravinder not having raped her, stands duly explained and the same does not create any dent in her version as well as the case of prosecution.

18. Learned counsel for the appellants and also the petitioner have contended that the mobile-phone, as allegedly used for making the video clip /film regarding the afore-said occurrence, had not been taken by the police into possession while conducting the investigation in the case and therefore, the above-mentioned Compact Disc (CD) cannot be taken into consideration and this infirmity in the case of prosecution, makes it highly doubtful.

19. However, this contention also does not cut any ice because while appearing as PW14 in the afore-referred Sessions Case and as PW1 before learned PM, JJB, Inspector Rohtash Singh, the Investigating Officer, has made categorical depositions regarding the disclosure statements suffered by appellants Ravinder, Amit, Kuldeep and Anil (exhibited as PCC, PDD, PEE and PFF respectively in the Sessions Case) and by petitioner Vikram and his co-accused Sewa (exhibited as PW1/E and PW6/A before learned PM, JJB) and the recovery of CDs at their instance, in pursuance thereof.



His depositions have duly been corroborated/supported by SI Jaibir Singh, who testified as PW11 in the above-said Sessions Case and as PW9 before learned PM, JJB. The depositions of both these witnesses sufficiently prove the factum of recovery of CDs from the appellants and the petitioner as well and there are no cogent reasons to disbelieve/doubt the same. In these circumstances, the factum of mobile-phone(s) as used for preparing/making the video-film of the occurrence in question having not been taken into possession, does not suffice at all to rob the case of the prosecution of its credibility/veracity.

20. Lastly, learned counsel for the appellants and petitioner have contended that the father of 'P' had raised a loan of Rs.40,000/- from appellant Ravinder @ Vicky but was dilly-dallying the repayment thereof and when the afore-said appellant and his friends, i.e remaining appellants and petitioner Vikram, repeatedly asked him ('P's father) to pay back the loan amount, he had falsely implicated them in this case and it being so, they are entitled to their acquittal.

21. Again, the above-raised contention is not tenable because the appellants and petitioner have not placed even an iota of evidence/material on the record to prove that 'P's father had secured a loan from appellant Ravinder and had not repaid the same and on the appellants and petitioner having insisted for the repayment thereof, he had falsely involved them in this case. Even otherwise, in normal course of events, no parent would stake the feminine grace and dignity of his/her daughter and honour of the family, merely to avoid the repayment of any loan.

22. No other argument was raised or addressed.



23. As a sequel to the fore-going discussion, it follows that the judgment dated 19.07.2014 and order on sentence dated 23.07.2014 handed down by learned trial Court (assailed in all the three Criminal Appeals) and the judgment dated 08.08.2016 and order on sentence dated 09.08.2016, passed by learned PM, JJB and the judgment dated 31.10.2017 rendered by learned appellate Court (impugned in CRR No.4537 of 2017) do not suffer from any infirmity, illegality or perversity or irregularity so as to warrant any interference by this Court. Resultantly, all the three Criminal Appeals and one Criminal Revision in hand, being *sans* any merit, are dismissed.

24. All the pending applications, if any, also stand disposed of accordingly.

**(LISA GILL)
JUDGE**

**(MEENAKSHI I. MEHTA)
JUDGE**

December 08, 2025

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No