

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-A-680-2022 (O&M)

Date of reserved:17.11.2025

Date of Pronouncement: 20.11.2025

Preet Kaushik @ Preet Singh

....Applicant/Appellant.

Versus

Pardeep Kumar and another

...Respondents.

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

.....

Argued by: Mr. Ramandeep Singh, Advocate (Legal Aid Counsel)
for the applicant-appellant.

Mr. Shiva Khurmi, DAG, Haryana.

Sukhvinder Kaur, J.

1. Applicant/ complainant Preet Kaushik @ Preet Singh has preferred the instant application under Section 378(4) Cr.P.C. seeking leave to appeal against judgment dated 21.12.2019, passed by learned Additional Sessions Judge, Gurugram, vide which respondent No.1 has been acquitted of offences punishable under Sections 192, 193, 195, 219, 499 and 500 of IPC.

2. Brief facts of the case are that Minu daughter of late Bhim Singh came to the house of the complainant to meet him. At about 8.30/ 9 p.m., 7/8 young boys with muffled faces came there armed with lathi and iron rods and beat the complainant. Someone, from them raped Minu. Thereafter, they went to the police station, for lodging complaint, but no FIR was registered. On the same night, they approached higher police officials, who asked Minu to get herself medically examined and return in

the morning. In the morning, police refused to register FIR and when complainant insisted for registration of the case, police officials called the mother and brother of Minu and by misrepresenting the facts to them, got a false FIR registered against the complainant for the reasons best known to them and for extraneous consideration.

3. The complainant, thereafter, approached the higher police officials and FIR No. 224 dated 20.09.2010 was registered by the local police but somehow the correct facts were not mentioned in the FIR and the complainant was falsely challaned in FIR No.223 dated 19.09.2010 under Sections 363, 366A, 376, 506 IPC, Police Station Sector-10, Gurgaon, at the instance of SI Pardeep Kumar. Minu tendered her sworn affidavit dated 30.09.2010, before the higher police officials and also suffered statement that the impugned FIR No.223 dated 19.09.2010 under Sections 363, 366A, 376, 506 IPC, Police Station Sector-10, Gurgaon, was totally false. She also deposed in the affidavit that she could recognize the person, who committed rape upon her and thereafter Director General of Police, CID, Haryana directed the Commissioner of Police, Gurgaon, to record the statement of Minu under Section 164 Cr.P.C. and it was ordered to ensure that prosecutrix was not harassed and action was sought to be taken against the officials, who had not conducted the investigation properly without verifying the factual position as referred in the order of the Hon'ble High Court dated 26.05.2011.

4. However, despite the observation of the DGP, CID, Gurgaon, no statement of the prosecutrix was recorded. After the arrest of the complainant, he moved an application dated 16.11.2010, in the Court of learned Judicial Magistrate Ist Class, Gurgaon, for getting the statement of

the prosecutrix recorded under Section 164 Cr.P.C.. Since the complainant did not get any relief from anywhere, he filed CRM No.1662 of 2011 before this Court and statement of Minu was recorded and vide order dated 09.03.2011 stayed the proceedings before the Trial Court were stayed and the complainant was directed to be released forthwith.

5. This Court found the accused guilty for conducting investigation against the complainant and he was asked to file an affidavit with respect to his conduct and also as to why contempt proceedings be not initiated against him for misstating the facts before the Court. The matter was again taken up by this Court on 26.05.2011 and FIR No. 223 dated 19.09.2010 under Sections 363, 366A, 376, 506 IPC was quashed and in view of said order accused was discharged by learned District and Sessions Judge, Gurgaon vide order dated 14.07.2011. SI Pardeep Kumar submitted his unconditional apology vide affidavits dated 04.04.2011 and 05.04.2011 and he was discharged from notice of contempt, vide order dated 26.05.2011.

6. It was submitted that news regarding the occurrence dated 18.09.2010 was reported in various newspapers whereby reputation of the complainant had suffered and in this regard, the relations/ friends/ neighbourers of the complainant framed a wrong opinion qua the conduct of the complainant. The imputation lowered the moral character of the complainant as well as his credentials as an honest and good person in the estimation of colleagues/friends/residents including Suresh Sharma and the complainant prayed that SI Pradeep Kumar be summoned under Sections 192, 193, 195, 219, 499, 500 IPC.

7. The present complaint was dismissed vide order dated

25.11.2013 by the Court of the then learned Judicial Magistrate Ist Class, Gurugram and revision against the said order dated 25.11.2013 was filed which was accepted vide order dated 06.06.2016 passed by the Court of Learned Additional District and Sessions Judge, Gurugram. The order dated 25.11.2013 was set aside with direction to decide the matter afresh after hearing the complainant.

3. In the preliminary evidence complainant examined himself as CW1 and Suresh Kumar as CW2 and tendered into evidence documents Ex.P1 to Ex.P11. On concluding preliminary evidence, accused/ respondent No.1 was summoned to face trial under Sections 192, 193, 195, 219, 499, 500 IPC.

4. After appearance of the accused in the Court, on finding a prima facie case accused was charge sheeted for the commission of offence under Sections 192 read with Section 193, 195, 219, 499 and 500 of IPC, to which accused pleaded not guilty and claimed trial.

5. In the prosecution evidence complainant examined himself examined as PW1 and PW Suresh Kumar Kaushik was given up on receipt of copy of his death certificate.

6. As no incriminating evidence had come on record against the accused, so recording of statement of accused under Section 313 Cr.P.C. was dispensed with.

7. After considering the evidence on record, learned trial Court acquitted the accused of the offences for which he had been charge-sheeted, vide judgment dated 21.12.2019.

8. Aggrieved by the said decision, complainant Preet Kaushik @ Preet Singh seeks leave to appeal against acquittal of accused/ respondent

No.1.

9. Learned counsel for the applicant/ complainant vehemently contended that the judgment dated 21.12.2019 passed by learned Additional Sessions Judge, is based on surmises and conjectures. When applicant/ complainant stepped into witness box as PW1, his statement was recorded in English language, whereas applicant did not know the English language at all and his statement was recorded falsely. He did not give any clean chit to the accused/ respondent No.1. He urged that the applicant did not know that he had been declared hostile and on that basis the accused had been acquitted. He argued that even in the MLR report of Menu, it was clearly mentioned that possibility of sexual assault in this case could not be ruled out and prayed that this appeal be accepted, judgment dated 21.12.2019 be set aside and accused be convicted for the offences charged with and be punished accordingly.

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

11. The perusal of testimony of PW1 reveals that the complainant Preet Singh while appearing as PW1 stated that due to misunderstanding and at the asking of relatives and friends, he had filed complaint against accused Pardeep Kumar. There was not fault of Pardeep Kumar, who was then posted at Police Post Sector 9, Gurugram. In fact, Smt. Indra Devi lodged FIR against him. The accused had neither harassed him or beat him nor he threatened him. As he did not support the prosecution version, so he

was declared hostile on the request of learned Public Prosecutor, but despite his cross-examination by learned Public Prosecutor nothing useful could be elicited which could be of any help to the prosecution. He even disowned the contents of the complaint Ex.P1 and stated that statement Ex.P2 was not made voluntarily but was given under the pressure of his relatives.

12. Learned trial Court has rightly observed that even from the cross-examination of the complainant conducted by learned Public Prosecutor, no such material could be brought on record, so as to conclude that he had been won over or he was deposing falsely with mala fide intention to save the accused from punishment.

13. We do not feel inclined to accept this plea of the applicant/ appellant that he was not conversant with the English language and he could not understand that he had been declared hostile, which became the basis for acquittal of the accused in the present case.

14. The perusal of judgment of learned trial Court reveals that besides the learned Public Prosecutor, the complainant/ applicant was also being represented through his private counsel and his statement was recorded in their presence. Moreover, when his statement had been recorded in the Court then it does not lie in his mouth to say that his statement had been recorded falsely and was not as per the version stated by him.

15. Thus, there is sole testimony of complainant/ applicant on record and even he had not supported the prosecution version.

16. So, when there is not even iota of evidence on record against the accused then the accused has been rightly acquitted by learned Additional Sessions Judge, Gurugram.

17. Learned counsel for the applicant/ appellant was unable to

point out any illegality, infirmity or perversity in the impugned decision dated 21.12.2019 which calls for interference.

18. In view of the above, no case is made out for grant of leave to appeal against acquittal of accused/ respondent No.1 Pardeep Kumar. The application without having any merits stands dismissed and the leave to appeal is declined.

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

(SUKHVINDER KAUR)
JUDGE

(ANOOP CHITKARA)
JUDGE

20.11.2025

Komal

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