



CRM-10054-2025 in/and  
CRA-AD-67-2025

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

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**CRM-10054-2025 in/and  
CRA-AD-67-2025  
Date of decision: 07.08.2025**

Nxxx

....Appellant

V/s

State of Punjab and others

....Respondents

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL  
HON'BLE MR. JUSTICE H.S.GREWAL**

Present: Mr. Ajay Pal Singh Gill, Advocate and  
Mr. Ripudaman S. Brar, Advocate for the appellant.

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**H.S.GREWAL, J.**

**CRM-10054-2025**

1. This application has been filed seeking condonation of delay of 22 days in filing the appeal.

2. Heard.

3. For the reasons stated in the application, the same is allowed and delay of 22 days in filing the appeal is hereby condoned.

**CRA-AD-67-2025**

1. This appeal has been preferred by the appellant/complainant against the judgment dated 18.10.2024 passed by the Additional Sessions Judge, Fast Track Court, Ludhiana, in case FIR No.0173 dated 23.10.2022, registered under Section 376 IPC and Sections 66E/67/67A IT Act, at Police



Station Sadar Khanna, Ludhiana whereby respondents No.2 to 6 had been acquitted of the charges by giving them the benefit of doubt.

2. The case of the prosecution is that on 12.09.2022, a letter bearing No. 29885-PGD dated 12.09.2022 (454 dated 13.9.2022) along with an inquiry report was received by the police station via post from SSP Khanna. In the letter, the prosecutrix (victim) requested that a case be filed against respondents No.2 to 6 (Saudagar Ali, Dhanna Khan, Lal Deen, Sikander Ali, and Saudagar Ali alias Bittu respectively). She stated that Saudagar Ali along with his father Dhanna Khan ran a dairy in Village Ikolahi near her home. Due to this proximity, they had a good relationship and her family often purchased milk from them. About three years ago, when she was home alone, Saudagar Ali came there and offered her a ladoo (an Indian sweet) as prasad (a religious offering). After eating the ladoo, she became unconscious. She later realized that the ladoo had been laced with a drug and Saudagar Ali raped her while she was incapacitated. She initially stayed quiet due to reputation of the family. However, Saudagar Ali began blackmailing her and continued to rape her multiple times against her will. He also recorded some obscene videos and used them to further blackmail her. He had also extorted a total sum of Rs. 1 lakh from her. Her husband was living in Saudi Arabia at that time and her mother-in-law lived with her. In February 2022, Saudagar Ali pressurized her to poison her mother-in-law but when she refused then he had threatened to kill her husband. She then told her family about the situation and they approached Dhanna Khan (Saudagar's father), his cousin Lal Deen, his uncle Sikander Ali. However, instead of helping, they started spreading rumors about her family.



Yet, both were still living together and running their dairy business. On 02.03.2022, the accused had released publicly one of her obscene videos which was filmed by Saudagar Ali, in order to ruin her reputation. She feared for her and her family's safety and claimed that the accused had filed false charges against her to cover up their own wrongdoings. After the video was circulated, her husband called her to Saudi Arabia, but she later returned from there because of her children. On 18.08.2022, Saudagar Ali threatened to throw acid on her husband. Additionally, Lal Deen, who owns a grocery and mobile shop, sold SIM cards to strangers who have in their possession her obscene videos and are threatening to release them publicly. She stated that Saudagar Ali had raped her and that all accused had conspired together in blackmailing and threatening her. She requested to take legal action against them.

3. An inquiry was conducted and the aforesaid FIR was registered against respondents No.2 to 6. During the investigation, Inspector Rajparvinder Kaur had recorded the statements of witnesses under Section 161 of the Cr.P.C. On 05.11.2022, the prosecutrix was medically examined at Civil Hospital, Khanna by LC Seema Kaur and her statement was recorded under Section 164 of Cr.P.C. On 17.11.2022, LC Seema Kaur collected a sealed parcel from Civil Hospital, Khanna containing swabs and a blood sample with the seal impression "KHN/CH" along with related documents, She deposited these items with the MHC. Thereafter, on 25.11.2022, LC Seema Kaur retrieved the sealed parcel from the MHC, obtained the necessary docket from the DPO Khanna and delivered it to the Forensic Science Laboratory (FSL) in Mohali.



4. During investigation, Accused-Saudagar Ali was brought by his father to Inspector Nachhattar Singh on 10.12.2022. He joined investigation and was arrested after completing necessary paperwork. He was taken to Civil Hospital, Jagraon, for a medical examination, including relevant tests and DNA sampling. Statements of witnesses were also recorded under Section 161 of the Cr.P.C. The accused was then taken to Civil Hospital, Khanna, for another medical examination and DNA sampling. On 13.12.2022, based on Saudagar's disclosure, an Oppo mobile phone was recovered from a box bed in his room at his house. The phone was sealed, seized and a recovery site plan was prepared. The case property was deposited with the MHC upon returning to the police station. After completing the investigation, the police submitted the challan to the court only against Saudagar Ali son of Dhanna Khan.

5. Challan was against the accused/respondent No.2-Saudagar and charges were framed against him under Section 376 IPC and Sections 66-E, 67, 67-A IT Act, to which he pleaded not guilty and claimed trial.

6. Thereafter, the prosecution had filed an application under Section 319 Cr.P.C. to summon Dhanna Singh, Sikander Ali, Lal Deen and Saudagar Ali alias Bittu which was allowed vide order dated 15.05.2023 and as a result thereof, an amended charge sheet was served on 10.07.2023 and charges were framed under Section 376 IPC and Sections 120-B/506 of IPC as well as Sections 66-E, 67, 67-A IT Act against all accused persons to which they pleaded not guilty and claimed trial.

7. Learned counsel for the appellant/complainant submits that the trial court had erred in acquitting respondents No.2 to 6 while there was



sufficient material to prove their guilt. The prosecution had led strong and consistent evidence including the testimony of the victim who had repeatedly stated that she was given a drug-laced laddoo by respondent No.2-Saudagar Ali, who had raped her, recorded an obscene video and used it to blackmail her into repeated sexual assault. The prosecution had duly proved that the obscene video was made viral on social media to spoil the victim's reputation. He also submits that the delay in lodging the complaint was due to fear, blackmail and social stigma and not any false motive. Therefore, he prays for setting aside the judgment of acquittal passed by the trial Court.

8. We have heard learned counsel for the appellant and have carefully perused the material available on record.

9. In order to prove its case, the prosecution has examined as many as 12 witnesses namely PW1 Prosecutrix, PW2 Dr. Navdeep Jassal, PW3 ASI Rajinder Singh, PW4 Inspector Nachhattar Singh, PW5 SC Amaninder Singh, PW6 Dr. Amandeep Kaur, PW7 Inspector Rajparwinder Kaur, PW8 LC Seema Kaur, PW9 HC Ranjit Singh, PW10 DSP Rachhpal Singh, PW11 Satnam Singh and PW12 Hardeep Mohd.

10. PW1 Prosecutrix had reiterated the version as stipulated in the FIR and was extensively cross-examined.

11. PW2 Dr. Navdeep Jassal had deposed that on 12.12.2022, he was posted as Medical Officer at Civil Hospital, Khanna when an application EX.PW2/A was received for medical examination of Saudagar Ali, S/o Dhanna Khan. On that day, at about 12:10 pm, he conducted medical examination of Saudagar Ali, vide MLR/159/NJ/2022/KNH dated 12.12.2022. Patient was



brought by SI Barjinder Singh. There was an OSM on right hand at web of thumb and index finger as medial aspect as identification mark. On Clinical examination:

1. Penis appears to be normal.
2. Bilateral testis present in scrotal SAC.
3. Bilateral cremastic reflex present.
4. SMEGMA absent.
5. Secondary sexual characters present.

On the basis of clinical examination there is nothing to suggest that he is incapable of performing the act of sexual intercourse. The blood sample was collected in EDTA vial and handed over to SI Barjinder Singh for DNA analysis.

12. PW3 ASI Rajinder Singh had deposed that on 17.11.2022, the charge of malkhana was with him. On that day, LC Seema Kaur deposited sealed parcel containing swabs and blood sample of the prosecutrix bearing seal impression "KHN/CH" along with one sealed envelope containing documents and sample seal chit which was handed over to LC Seema Kaur on 25.11.2022 and thereafter she obtained the docket from the DPO Khanna and had deposited the parcel along with sealed envelope and sample seal chit at FSL, Mohali. Thereafter on 13.12.2022, IO Inspector Nachhatar Singh had deposited one sealed parcel containing mobile phone bearing seal impression 'NS' and kept the same at malkhana which was deposited by him at Digital Forensic Lab, Range Level, Ludhiana on 22.12.2022 after obtaining the docket from SSP Khanna on the same day. Thereafter on 27.12.2022, Ranjit Singh deposited one sealed parcel containing sample of accused bearing seal impression 'KHN/CH' and one sealed envelope containing documents along



with sample seal chit and kept the same at malkhana and thereafter, on 02.01.2023, he handed over the parcels to HC Ranjit Singh and directed him to deposit the same at FSL Mohali, after obtaining docket from the DPO Khanna. On the same day, after depositing the parcel, he came back and deposited the receipt which he kept in records. He deposed that as long as the case property remains with him, no one was allowed to tamper with the same.

13. PW4 Inspector Nachhattar Singh, who had conducted investigation in this case, had deposed that on 23.10.2022, inquiry report along with statement of complainant and other documents were received from the office of SSP Khanna which was marked to SI Barjinder Singh for the registration of FIR. The FIR (Ex.PW4/A) was registered by SI Barjinder Singh and the investigation was marked to Inspector Rajparminder Kaur. The inquiry report of DSP CAWC Khanna is Ex.PW4/B. Thereafter on 10.12.2022, the investigation of the present case was marked to him. On that day, accused Saudagar Ali S/o Dhanna Khan was produced before him and was arrested vide arrest memo Ex.PW4/C. Intimation of Arrest Ex.PW4/D and search memo Ex.PW4/E were prepared which were witnessed by HC Amaninder Singh. On 12.12.2022, the medical examination of accused Saudagar Ali was conducted from Civil Hospital, Khanna vide application Ex.PW2/A through SI Barjinder Singh. On 13.12.2022, during custody, accused Saudagar Ali had suffered disclosure statement Ex.PW4/F and on the basis of which, one mobile phone make Oppo colour silver was recovered from his house which was kept in sealed cover bearing impression "NS" and prepared recovery memo Ex.PW4/G. The rough site plan Ex.PW4/H was prepared and the statements of



witnesses were recorded. The recovered phone was sent to Digital Forensic Lab, Ludhiana through ASI Rajinder Singh.

14. PW6 Dr. Amandeep had deposed that on 05.11.2022, she was posted at Civil Hospital, Khanna whereon an application EX.PW6/A was moved by the police to examine the prosecutrix who was brought by LC Seema Kaur and was accompanied by her husband-Hardeep. She came with the alleged history of sexual assault continuously from the last three years i.e., from 2020 to 2022 at her house. Dr. Amandeep deposed that the patient was calm, conscious, oriented to time, place and person. No injury mark was seen. No pubic hair were present as they were trimmed. Swabs and blood samples were taken which were sealed and handed over to the police along with relevant documents for DNA examination lateron.

15. PW11 Satnam Singh had deposed that accused-Saudagar Khan was known to him since a long time and he was divorced. On 02.03.2022, Saudagar Khan from his mobile number 70095-60686 on his mobile No.80548-00043 sent an obscene video of one lady with him. Earlier, he was not aware about the lady but later on, Saudagar Khan told him that the video is of the prosecutrix and he wanted to marry her. He further conveyed to him that he had made the video viral so that her husband would find out about the same and take divorce from her and thereafter, he would marry her. He also told that he had sent the video to other persons as well.

16. PW12 Hardeep Mohd., who is husband of the prosecutrix, deposed that he got married with prosecutrix in the year 2006 and they have children from the marriage. In the year 2003, he left for Saudi Arab. On 18.01.2020, he



came to India from Saudi Arab and then left India on 08.11.2020. Saudagar Khan @ Saudagar Ali was running a milk dairy who after threatening his wife, had made her obscene video. He threatened her to kill my children. On 01.03.2022, Saudagar Khan had sent one obscene video of the prosecutrix on his Whatsapp from his mobile number and had also sent the same video to other people. He kept the video in a pen drive and handed over to the police. His statement was recorded and same is already Ex.PW10/5 upon which he identified his signatures. He had also seen the mobile phone of Haider Ali which contained the same video.

17. Other prosecution witnesses, who were formal in nature, had apprised by stating link evidence and therefore, their depositions need not to be reiterated.

18. After closing the prosecution evidence, the statements of all the accused/respondents under Section 313 Cr.P.C. were recorded wherein they had denied all the prosecution allegations and pleaded innocence. They had jointly pleaded that they had been falsely implicated in this case and have not committed any offence. Respondent No.2-Saudagar Ali separately pleaded that the instant FIR is a counterblast to the FIR lodged by him against the prosecutrix and her husband at P.S.Sadar Khanna and for revenge, the prosecutrix had concocted a false story against him. Other respondents/accused had also pleaded that they had been implicated because they are relatives of Saudagar Ali (respondent No.2) and they have nothing to do with the incident.

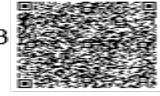
19. After examining the statements of all the witnesses and taking into account the evidence led by both the sides, the trial Court had observed that the



prosecution had failed to prove its case and the respondents had been given the benefit of doubt.

20. The case of the prosecution is primarily based on the oral allegations of the prosecutrix, who claimed that she was given a drug-laced laddu by respondent No.2-Saudagar Ali and was, thereafter, subjected to rape. She further alleged that an obscene video was recorded following which she was blackmailed and repeatedly raped. A sum of ₹1 lakh was also alleged to be extorted from her. However, there is no supportive as well as corroborative evidence to substantiate these allegations. She was unable to specify exact dates or times of the alleged incidents. In her cross-examination, she admitted that she used to speak with her husband daily and her husband had been visiting India every year but she had never disclosed these incidents to him. Serious allegations, such as being instigated to give poison to her mother-in-law and attacking her husband by throwing acid were never reported to the police. The statement of the prosecutrix (PW1) before the trial Court was found to be an improved version of her earlier statement under Section 164 Cr.P.C. The prosecutrix alleged that all the accused acted together, with Saudagar Ali (son of Dhanna Khan) recording an obscene video and sharing it on social media. However, the prosecutrix's initial police complaint did not mention her being drugged with a laddoo and then filmed, while her later statements added these claims. These serious lapses weaken the prosecution version.

21. Moreover, there is an unexplained delay of 03 years in lodging the FIR which casts serious doubt on the prosecution story.



22. In defence, respondent No.2 had stated that he had lodged FIR No.134 dated 20.08.2022 at Police Station Sadar Khanna (Ex.D1) against the prosecutrix, her husband Hardeep Mohd. and others for kidnapping and assaulting him. The prosecutrix admitted that a case arising from that FIR is pending against them. The sequence of events clearly indicates that the present FIR is a counterblast to the earlier FIR lodged by respondent No.2, establishing a strong motive for false implication.

23. Apart from respondent No.2, remaining respondents i.e. Dhanna Khan, Lal Deen, Sikander Ali, and Saudagar alias Bittu were initially found innocent during investigation and were only later summoned under Section 319 Cr.P.C. The only allegations against them pertained to issuing threats and circulating the video, which were not proved.

24. There were material inconsistencies about the pen drive with the alleged obscene video. The prosecutrix said that the accused/respondent No.2 had made an obscene video and shared publicly, while, there was no proof that respondent No.2 had made or shared any such video. The phone recovered from respondent No.2 had no such content and the pen drive was not legally certified, so it could not be used as valid evidence. Moreover, no video was produced showing her in an unconscious state, and there was no evidence she was ever in that condition. However, she admitted that she used to talk with respondent No.2 through video calls.

25. The MLR of the prosecutrix also does not support the prosecution case as PW6 Dr. Amandeep had deposed that there were no injury marks on the person of the prosecutrix and DNA profiling confirmed that semen found on



the vaginal swabs did not match the DNA of respondent No.2. No forensic evidence linked him to the alleged offence of rape.

26. It is well settled law that in cases under Section 376 IPC, the sole testimony of the victim can, at any time, be considered credible. However, corroborative evidence like medical, forensic or independent evidence should be available to support the testimony of the victim. In the present case, the prosecutrix, being an adult married woman and in view of the prior litigation between the parties, required her testimony to be scrutinized with greater caution. In the absence of corroboration from medical, forensic or independent evidence, her statement alone cannot be the basis for conviction. The prosecution has failed to prove the offence under Section 376 IPC and the relevant provisions of the IT Act beyond reasonable doubt.

27. In view of the above, we do not find any perversity or illegality in the well-reasoned judgment passed by the learned trial Court. Consequently, the appeal is dismissed and the acquittal of respondent No.2 to 6 is upheld.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

**(H.S.GREWAL)**  
**JUDGE**

**07.08.2025**  
A.Kaundal

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