



**In The High Court for the States of Punjab and Haryana
At Chandigarh**

I **MRC-8-2023 (O&M)**
Date of Decision:- 11.07.2025

State of Haryana ... Appellant

Versus

Jile Singh @ Jai Singh ... Respondent

II **CRA-D-1576-2023 (O&M)**

Jile Singh ... Appellant

Versus

State of Haryana and another ... Respondents

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

Present:- Mr. Ranvir Singh Arya, Addl. A.G. Haryana.

Mr. Sumit Sharma, Legal Aid Counsel with
Mr. Ashwani Bhardwaj, Advocate
for the respondent in MRC-8-2023 and
for the appellant in CRA-D-1576-2023.

Mr. Arshdeep Singh Brar, Amicus Curiae,
for the victim/respondent No.2 in CRA-D-1576-2023.



GURVINDER SINGH GILL, J.

1. This judgment shall dispose off a reference made by the District and Sessions Judge, Palwal i.e. MRC-8-2023 titled as State of Haryana Vs. Jile Singh @ Jai Singh and CRA-D-1576-2023 titled as Jile Singh Vs. State of Haryana and another as both arise out of the same FIR. While the reference has been made in terms of Section 366 Cr.P.C. for confirmation of death sentence as imposed upon the accused/appellant Jile Singh vide judgment dated 06.10.2023 passed by Additional Sessions Judge, Palwal, the accused/appellant Jile Singh challenges his conviction for offences under Section 6 of POCSO Act and Section 506(II) of IPC as recorded in the aforesaid judgment. The sentence imposed is as under:

Section	Sentence
6 of POCSO Act	Convict shall be hanged by neck till he is dead, subject to the confirmation of the sentence by the Hon'ble High Court of Punjab and Haryana, Chandigarh
506(II) IPC	To undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.5000/-. In default of payment of fine the convict shall further undergo simple imprisonment

2. The matter arises out of FIR No.68 dated 02.10.2020, Police Station Women, Palwal, under Sections 323, 354-A, 376, 506 IPC and Sections 6, 10 of the POCSO Act. (Ex.PW-15/1) lodged at the instance of victim. The translated gist of said FIR reads as under:

“I am resident of village Manpur. My mother passed away about 4 years back. After one year of death of my mother, my father started physically abusing me and raped me against my wishes. We are four sisters and a brother. I am the eldest. My father kept on raping me



continuously and threatened me of dire consequences in case I disclosed about the same to anybody. Yesterday night also he committed physical excesses upon me. I am pregnant and I am carrying a 4 months' pregnancy. My father has fathered this child. My father does not permit my grand-parents to live with us so that they do not come to know about the fact that he commits rape upon me. I am 17 years old. My condition is getting worse. I be given justice and mercy be shown to me. Legal action be taken against my father so that he does not commit similar offence against my sisters. Today, I have come to Women Police Station and have got my statement recorded without any pressure. I have heard the same and the same is correct.

Sd/-
victim”

3. Pursuant to lodging of the FIR, the victim was got medically examined. The victim was also taken to the place of occurrence and a rough site plan of the place of occurrence was prepared. On the next day i.e. on 03.10.2020 L/ASI Shobha (PW-15) moved an application to the area Magistrate for the purpose of getting the statement of the victim recorded in terms of Section 164 Cr.P.C. which was accordingly recorded. Accused Jile Singh was arrested on 03.10.2020 and was interrogated, during the course of which he suffered a disclosure statement Ex.PW-11/1 confessing his guilt. Accused was also got medically examined. An application (Ex.PW-15/6) was made by L/ASI Shobha (PW-15) to CMO Palwal to constitute a Board of Doctors to furnish opinion about termination of pregnancy of the victim. A Board of Doctors was accordingly constituted which opined that on account of non-availability of ventilator at Civil



Hospital, Palwal, the termination should be got done at some higher centre (medical college). DNA of accused and of the baby delivered by victim was also got conducted.

4. Upon completion of investigation challan was presented against the accused before Special Court, POCSO, Palwal on 05.11.2020. Charges were framed by the Special Court on 05.02.2021 for offence punishable under Section 6 of POCSO Act and Section 506 (II) of IPC to which the accused pleaded not guilty and claimed trial.
5. The prosecution in order to substantiate its case examined as many as 32 PWs. The gist of their testimonies is briefly referred to herein under:-

PW-1 Krishna Sharma stated that on 02.10.2020 she was deputed as Legal Aid Counsel and that the victim had been brought before her for recording her statement by L/ASI Shobha and that she after satisfying herself that the victim was competent to make statement, accordingly recorded her statement (Ex.P-1).

PW-2 Alpna Mittal stated that on 03.10.2020 she was posted as Member of Child Welfare Committee Palwal and on that day the victim was brought before her for counselling by L/ASI Parveen and that she after satisfying herself that the victim was not under any kind of pressure, recorded her statement (Ex.P-2).



PW-3 Sh. Gulshan Verma, Judicial Magistrate 1st Class, Palwal stated that on 03.10.2020 he had recorded the statement of the victim in terms of Section 164 Cr.P.C. and proved the same as Ex.P-3.

PW-4 Ravinder Singh Dahiya, Draftsman stated that he had prepared the scaled site plan of the place of occurrence and proved the same as Ex.P-5.

PW-5 RG (grand-father of the victim) deposed that he along with his wife was residing with his daughter whereas his son Jile Singh was staying in his village. He stated that his grand-daughter i.e. the victim had come at Hodal and disclosed to her grand-mother that her father had been committing wrong act with her. PW-5 stated that his wife shared the said information with him. He further stated that his grand-daughter had also conceived a child and was pregnant.

PW-6 Constable Seema stated that on 02.10.2020 she was posted at Police Station Women, Palwal and that on the said day the MHC had handed over special reports to her which she accordingly delivered without any delay to the Illaqa Magistrate, to Superintendent of Police, Palwal and also to Deputy Superintendent of Police, Palwal.

PW-7 Constable Sonam deposed that on 02.10.2020 she was associated with the Investigating Officer of the case and on the said day, the Investigating officer got the victim medico-legally examined and that after the medical examination, the doctor had handed over



sealed parcels which were taken into police possession vide memo Ex.PW-7/1 which bears her signatures.

PW-8 Shyam Lal, Head Teacher, Government Primary School Village “M” produced the summoned record pertaining to admission and withdrawal of students and deposed that as per record the Date of Birth of victim was 27.01.2005. He proved the admission form as Ex.PW-8/2 and Birth Certificate as Ex.PW-8/3.

PW-9 L/Head Constable Pushpa tendered her affidavit Ex.PW-9/A wherein she deposed that on 19.10.2020 MHC Women Police Station Palwal had handed over the case property comprising of 10 articles described in detail in the affidavit, directing her to deposit the same in RFSL Bhondsi and she accordingly deposited the same. She further deposed that as long as the said parcels remained in her custody the same were not tampered with.

PW-10 Victim “M” deposed identically as stated by her in her statement Ex.P-1 leading to lodging of FIR. She categorically stated that after death of her mother her father had been repeatedly committing penetrative sexual assault on her on account of which she became pregnant and also gave birth to a female child. She stated that she had visited the police station on 02.10.2020 and that her statement Ex.P-1 was recorded in the police station by Legal Aid Counsel and was later taken to the hospital for her medical examination. She stated that her statement Ex.P-3 was also got



recorded before the Illaqa Magistrate. She identified the accused to be her father and categorically stated that he had committed sexual penetrative assault upon her.

PW-11 Constable Mosim Khan stated that on 03.10.2020 he was posted at Police Station Women, Palwal and was associated with the Investigating Officer of the present case and that on the said day the Investigating Officer arrested Jile Singh. He further stated that during the course of cursory interrogation the accused made a disclosure statement Ex.PW-11/1 confessing his involvement in the crime. He further stated that the accused was also medico-legally examined. He further deposed that on 19.01.2021 he had been entrusted with two bottles containing blood which he deposited in FSL Bhondsi. He further deposed that as long as the said case property remained in his possession the same was not tampered with.

PW-12 ASI Anita tendered her affidavit Ex.PW-12/A in evidence wherein she deposed that she was posted as MHC at Police Station Women, Palwal and that the case property pertaining to the victim and the case property pertaining to the accused was deposited in the *malkhana* on 2nd and 3rd of October, 2020. She further deposed that the case property was handed over to HC Pushpa on 19.10.2020 for the purpose of depositing in the office of RFSL Madhuban which was accordingly deposited the same day. She further stated that as long as



the said parcels remained in her custody the same were not tampered with.

PW-13 Neeta Devi, Staff Nurse, Civil Hospital, Palwal produced the summoned record pertaining to the victim from the hospital which included the progress report, nursing note, discharge summary, ultrasound report and ultrasound film.

PW-14 L/SI Rekha stated that on 26.10.2020 she was posted as SI/SHO at Police Station Women, Palwal and that upon completion of investigation she had prepared report under Section 173 Cr.P.C. and had submitted the same in the Court under her signatures.

PW-15 L/ASI Shobha stated that on 02.10.2020 she was posted at Police Station Women, Palwal and on the said day the victim along with her grand-parents came to the police station and she got her statement recorded through Legal Aid Counsel and on the basis of which formal FIR (Ex.PW-15/1) was lodged. She further stated that after the FIR was lodged she got the victim medico-legally examined and also visited the place of occurrence where rough site plan was prepared. She further stated that she moved application before area Magistrate on 03.10.2020 for the purpose of getting the statement of the victim recorded in terms of Section 164 Cr.P.C. which was accordingly got recorded. She further stated that she had arrested the accused and had interrogated him and during the course of which he made disclosure statement Ex.PW-11/1 admitting his guilt. She



further proved various other memos and documents prepared during the course of investigation and deposed that upon conclusion of investigation she handed over the entire file to SHO, Police Station Women, Palwal.

PW-16 Dr. Basudev Gupta, Pediatrician Civil Hospital, Palwal stated that on 05.10.2020 he was posted at Civil Hospital Palwal as a Pediatrician and on the said day SMO Palwal constituted a Board of Doctors comprising himself, Dr. Seema Sharma and Dr. Nikita for furnishing opinion as regards viability of termination of pregnancy of the victim and they had opined that on account of non-availability of ventilator at Civil Hospital, Palwal, the same should be got done at some higher centre (medical college). He proved the opinion as Ex.PW-16/1.

PW-17 Dr. Gagan, Medical Officer, Government Hospital Palwal stated that on 03.10.2020 while he was posted as Medical Officer at Civil Hospital Palwal, accused Jile Singh @ Jai Singh was produced before him by the Investigating Officer and he had medico-legally examined him. He deposed that as per the opinion there was nothing to suggest that the accused was not capable of performing sexual intercourse. PW-17 proved the MLR as Ex.PW-17/1. PW-17 deposed that he had taken 3 ml. of blood sample for DNA analysis. He also proved his affidavit Ex.PW-17/A wherein there is description of the medical examination of the accused.



PW-18 Anil Kumar, Senior Scientific Assistant (Biology), Regional Forensic Science Laboratory, Bhondsi, Gurugram, stated that on 23.10.2020 he was posted as Senior Scientific Assistant at Regional Forensic Science Laboratory Bhondsi and had prepared his report Ex.PW-18/1.

PW-19 Dr. Nikita, Gynecologist, Civil Hospital, Palwal stated that she was member of the Board constituted by SMO Palwal which had been constituted to furnish opinion regarding termination of pregnancy and that the Board had opined that on account of non-availability of the ventilator, the same should be done at some higher centre.

PW-20 L/CT Monika stated that on 06.10.2020 she was posted at Police Station Women Palwal and had been assisting the Investigating Officer and that on the said day, the birth certificate of the victim and record of the school had been collected vide memo Ex.PW-8/5. She further stated that on 16.10.2020 the Investigating Officer collected the document pertaining to treatment of the victim vide memo Ex.PW-15/8 which also bears her signatures.

PW-21 L/CT Reetu Rani stated that on 13.01.2021 she was posted at Police Station Women Palwal and on the said day the doctor had handed over two bottles of blood samples with two seals and envelope containing five seals and sample seals bearing impression 'TY' which were taken into possession vide memo Ex.PW-21/1.



PW-22 L/HC Savita tendered her affidavit as Ex.PW-22/A wherein she deposed that she was posted as MHC in Police Station Women, Palwal on 13.01.2021 and that the DNA samples of the victim and the baby were handed over to the Investigating Officer for depositing the same in the *malkhana* and that as long as the said parcels remained in her custody the same were not tampered with.

PW-23 Dr. Asha Dagar tendered her affidavit Ex.PW-23/A wherein she deposed that on 02.10.2020 she was posted as L/MO in Civil Hospital, Palwal and that on the said day the victim had been produced before her for her medical examination and upon her medical examination she had prepared the MLR Ex.PW-23/1 bearing her signatures. She deposed that in her opinion possibility of sexual intercourse cannot be ruled out. She further stated that she had taken a pink colour *salwar*, anterior vaginal swab, cervicle swab and vulval swab and had handed over the same to the Investigating Officer.

PW-24 Anshuman Rai, Senior Scientific Assistant (B) DNA Division Forensic Science Laboratory Haryana, Madhuban, stated that on 04.08.2023 he was posted as Senior Scientific Assistant (B) DNA Division Forensic Science Laboratory Haryana, Madhuban Karnal and had prepared report Ex.PW-24/1 which bears his signatures.

PW-25 SI/SHO Rekha Devi deposed that on 08.02.2021 she was posted as SI/SHO at Police Station Women, Palwal and that on the



said day, upon completion of investigation she had prepared report under Section 173 Cr.P.C. and submitted the same in the Court.

PW-26 Dr. Seema, Gynecologist, Cloud Nine Hospital NIT, Faridabad stated that on 05.10.2020 the victim was produced before her when she was posted as Gynecologist in Civil Hospital, Palwal and had given secondary opinion to the effect that pregnancy of the victim was beyond the period of viability. She further stated that on the said day, the SMO Palwal had constituted a Board of Doctors comprising of herself, Dr. Nikita and Dr. Basudev and the Board had furnished opinion that on account of non-availability of the ventilator in the hospital at Palwal, the termination of pregnancy should be done at some higher centre (medical college).

PW-27 L/ASI Rachna stated that on 13.01.2021 she was posted at Police Station Women, Palwal and on the said day she had moved application Ex.PW-27/1 to Government Hospital Sector 10 Gurugram for handing over blood samples of the baby and of the victim and that Dr. Tamanna Yadav handed over two bottles of blood samples which were taken into police possession and deposited with the MHC at Police Station Women, Palwal. She further deposed that on 19.01.2021 she had collected the discharge summary of the victim. She further stated that blood samples of baby and the victim were deposited at FSL Madhuban through Constable Mosim.



PW-28 Dr. D.S.Yadav, Pediatrician (NHM) at Civil Hospital, Mandikhera, District Nuh deposed that on 16.01.2021 he was posted as Pediatrician at Civil Hospital, Sector 10, Gurugram and that on the said day, the baby of the victim was brought in SNCU under his supervision and that he had prepared the discharge summary, Ex.PW-28/1.

PW-29 Dr. Sarita Chaudhary, Gynecologist, Civil Hospital, Sector 10 Gurugram deposed that on 12.01.2021 she was posted as Gynecologist at Civil Hospital, Gurugram and that on the said day the victim was admitted in the civil hospital for further management having been referred by Civil Hospital, Palwal. She deposed that the victim delivered a female child on 13.01.2021. She proved the admission file as Ex.PW-29/1 and discharge summary as Ex.PW-29/2.

PW-30 Rinku, Record-Keeper, Civil Hospital, Sector 10, Gurugram produced the record summoned from the hospital pertaining to the victim. He produced the admission card as Ex.PW-29/1, blood samples as Ex.PW-30/1, progress report Ex.PW-30/2 and discharge summary of victim as Ex.PW-29/2.

PW-31 Dr. Tamanna Yadav, LMO PHC Patli Hazipur, Gurugram stated that on 13.01.2021 she was posted as LMO in Civil Hospital Palwal and that on the said day she handed over the blood sample of the victim and also of her baby to police for DNA analysis and that her report in this regard is Ex.PW-30/1.



PW-32 Dr. Darshna, LMO, Civil Hospital, Sector 10, Gurugram deposed that on 14.01.2021 she was posted in LMO, Civil Hospital, Sector 10, Gurugram and that on the said day the progress report Ex.PW-30/2 of the victim was prepared which bears her signatures.

6. Upon conclusion of prosecution evidence, the entire incriminating evidence was put to the accused in terms of Section 313 Cr.P.C. to enable him to explain the same, but the accused denied the entire prosecution case in toto and pleaded false implication and took a plea that in fact the victim was having an affair with a scrap dealer namely Rahul who had also given a mobile phone to the victim and when he came to know about the said fact he snatched the said phone from the victim and damaged it and that the victim retaliated by getting a false case registered against him. He further took a plea that his DNA profile in any case would match with the victim or the grand child being father of the victim. The accused however, did not chose to lead any evidence.
7. Learned trial Court upon marshaling the evidence on record held that the accused had been subjecting the victim repeatedly to aggravated penetrative sexual assault and had also been holding out threats to eliminate her in case she disclosed about the same to anyone and consequently held him guilty of having committed offence punishable under Section 6 of POCSO Act and also for offence under Section 506 (II) IPC. Learned trial Court while considering the quantum of



sentence to be imposed, awarded death sentence, subject of course to confirmation by this Court in terms of provisions of Section 368 Cr.P.C. The trial Court also ordered for payment of compensation to the tune of Rs.10.5 lakhs out of the Women Victims Compensation Fund in terms of The Victim Compensation Scheme, 2020. Consequently, while reference has been made by learned District and Sessions Judge, Palwal for confirmation of death sentence, the accused has challenged the findings of guilt as recorded in the impugned judgment dated 06.10.2023.

8. Learned State counsel while pressing upon the 'murder reference' submitted that it is a case where the accused had committed one of the most heinous offences of rape which stands aggravated by the fact that the same was committed upon none else but his minor daughter and that too repeatedly and that under these circumstances the case surely falls under the category of 'rarest of rare' cases and consequently the death sentence as proposed by the learned trial Court be confirmed.
9. On the other hand learned counsel representing the accused submitted that it is a case where the accused has apparently been implicated falsely by the victim who became infuriated when the accused had snatched the mobile phone from the victim which had been given to her by Rahul with whom she was having an affair. Learned counsel submitted that in fact the child delivered by the victim had been



fathered by the boy with whom she was having an affair and not by the accused. Learned counsel further submitted that the prosecution banks upon the DNA profile of the child which in any case would match with the DNA profile of the accused being his grand-father and under these circumstances the DNA profile would not advance the case of the prosecution in any manner. Learned counsel further submitted that the trial Court in any case went overboard in imposing death sentence in the present case when infact the prosecution evidence itself is shaky. Learned counsel for the accused thus prayed for setting aside the impugned judgment and for acquittal of the accused.

10. This Court has considered rival submissions and have also perused the record of the case.
11. As far as the factum of the victim being pregnant is concerned, leaving aside the fact that the accused is not disputing the said fact, we find that sufficient medical evidence has been led by the prosecution in this regard. Immediately when the statement of victim was recorded at the police station leading to lodging of the FIR, she was taken to Civil Hospital, Palwal where she was examined by PW-23 Dr. Asha Dagar on 02.10.2020 itself and as per her opinion the possibility of sexual intercourse could not be ruled out. The victim was produced before Dr. Nitika, Gynecologist on 04.10.2020 who gave opinion regarding the pregnancy of the victim to be beyond the



period of viability. A Board of Doctors was also constituted by the SMO on 05.10.2020 comprising of three members i.e. Dr. Seema Sharma (PW-26), Dr. Basudev (PW-16) and Dr. Nitika (PW-19) who all opined that on account of non-availability of the ventilator the pregnancy could not be terminated in their hospital and that the same may be done at some higher centre. Subsequently, since the pregnancy could not be terminated, the victim delivered a child at Civil Hospital, Gurugram on 13.01.2021 as has been specifically deposed by PW-29 Dr. Sarita Chaudhary, Gynecologist. PW-28 Dr. D.S.Yadav, pediatrician has also stated as regards the examination of the female child delivered by the victim. The aforesaid evidence leaves no manner of doubt that the victim was pregnant and had delivered a baby.

12. The material question before this Court is as to whether the victim had been impregnated from the loins of the accused or not. It is the specific case of the victim that she had been continuously sexually abused by the accused for about 4 years who had also held out threats to eliminate her in case she disclosed about the same to anybody. When the victim appeared before the police along with her grandparents, she disclosed about the said facts in her statement Ex.P-1 on 02.10.2020 leading to lodging of the FIR. Subsequently, when the statement of victim came to be recorded by a Magistrate in terms of Section 164 Cr.P.C. she stated to an identical effect. When the victim stepped into the witness box during the course of trial as PW-10, she



again reiterated the version while categorically stating that she had repeatedly been subjected to forcible penetrative intercourse by the accused for about 4 years and had been impregnated.

13. Although the accused, on the other hand, has taken a plea that in fact the victim was having an affair with one Rahul, a scrap dealer who has also given a mobile phone to the victim but having regard to the consistent stand of the victim right from day one and there being nothing on record to dislodge her version, the same cannot be doubted on any count. The fact that the victim herself admitted her relationship with the scrap dealer Rahul as has also been admitted by the grand-father of the victim cannot be interpreted to mean that in fact the father of the child delivered by the victim was Rahul and not the accused. The fact that the victim herself admitted that she knew Rahul would rather show that she is a truthful witness and has not tried to conceal any fact. The crisp and specific allegations having been levelled by the victim regarding having been subjected to penetrative sexual assault by the accused which is also borne out from the medical evidence inasmuch as the victim was found to be pregnant would attract provisions of Section 29 of POCSO Act and a presumption against the accused could even safely be drawn.

14. In any case, apart from the consistent statements of the victim before the police and also before the Magistrate (164 Cr.P.C.) and before the trial Court, the DNA profile also shows that the blood sample of the



baby and of the accused was found to be matching. While it could be said that the DNA profile of the accused would to some extent match with that of the baby being in any case her grand-father, but the instant case is not a case where only a small percentage was found to be matching but it is a case of perfect match as has been stated by PW-24 Dr. Anshuman Rai, Senior Scientific Assistant (B) DNA Division, Forensic Science Laboratory, Madhuban. The relevant extract from his cross-examination reads as under:

“It is incorrect to suggest that the DNA profile of the grandfather may match with the DNA profile of grandchildren. It is incorrect to suggest that there is 25% match of the DNA profiles of grandparents and grandchildren. No percentage of matching of DNA profile was mentioned in my report, as it was a perfect match. It is incorrect to suggest that I did not follow proper procedure for preparing the report or that the case property was not properly sealed or that case property was not intact or that I am deliberately hiding a scientific fact that there is 25% match of the DNA profile of the grandparents and the grandchild.”

15. Still further the final nail in the coffin would be that the semen stain found on the *salwar* of the victim were found to be matching with DNA profile obtained from the blood sample of the accused. The relevant extract from the report of FSL Ex.PW-24/1 is reproduced herein under:

“i. The Autosomal STR analysis indicates that the DNA profile obtained from seminal stains on source of item No.1 (salwar), item No.28.38.48 (swabs) is matching with the DNA profile obtained from source of item No.6 (blood sample stated to be of Jile Singh).

ii. The DNA profile obtained from source of item No. 8 (Blood, sample stated to be of Baby of Meera) is matching with the DNA



profile obtained from source of item No. 7 (Blood sample stated to be of Meera) and source of item No. 6 (blood sample stated to be of Jile Singh).”

16. The presence of semen on the *salwar* of the victim which was found to be matching with the DNA profile of the accused, leaves no manner of doubt that it is the accused who had subjected the victim to penetrative sexual assault. Consequently, the findings of the trial Court in this regard are not found to be wanting on any count.
17. As regards the age of the victim, it is the specific case of the prosecution that the victim was aged about 17 years at the time of recording of the FIR. The prosecution examined PW-8 Shyam Lal, Head Teacher, Government Primary School wherein he stated that as per the admission and withdrawal record maintained in the school, the date of birth of victim was recorded as 21.7.2005. He proved a copy of admission register as PW-8/1 and the admission form as Ex.PW-8/2. There is no evidence to contradict the aforesaid evidence regarding date of birth of the victim as per which the victim was aged about 16 years at the time of occurrence. In any case the victim has specifically alleged that she had in fact been repeatedly subjected to penetrative sexual assault for the last about 4 years by the accused. Under these circumstances the victim certainly was much less than 16 years at the time when the accused started committing penetrative sexual assault upon her. Thus we find that the prosecution has fully established its case against the accused to the effect that he had been



having sexual intercourse repeatedly with the child who is none else but his own daughter leading to her pregnancy. He had also been threatening her with dire consequences in case she disclosed about the same to anyone. Consequently, his conviction for offences punishable under Section 6 of POCSO Act and Section 506(II) IPC is affirmed.

18. Coming to the quantum of sentence as imposed upon the appellant by the trial Court, it goes without saying that the accused having subjected his minor daughter to repeated penetrative sexual assault and having impregnated her has committed one of the most heinous crimes of the gravest form and would hardly call for any kind of leniency in the matter of sentence. However, at the same time we find that the case is not such to be termed as “rarest of rare cases” so as to justify the death sentence.
19. In Pappu v. State of Uttar Pradesh, (2022) 10 SCC 321, three-Judge Bench of the Apex Court, while dealing with the murder and rape of a minor girl, came to the conclusion that the death sentence awarded was liable to be commuted into imprisonment for life with the stipulation that the appellant shall not be entitled to pre-mature release or remission before actual imprisonment for a period of 30 years while noting that the appellant was known to the child, whom she used to address as an uncle. In Kashi Nath Singh @ Kallu Singh v. The State of Jharkhand, (2023) 7 SCC 317, for the rape and murder of



a 14 years old girl, the death penalty as such was converted into a fixed term sentence for 30 years without any benefit of remission keeping in view the fact that he was 26 years of age.

20. Hon'ble Apex Court in Veerendra Vs. State of Madhya Pradesh, 2022 AIR Supreme Court 2396, in a case where the convict had raped and murdered his 8 years old niece and the High Court had affirmed the death sentence, the Supreme Court while converting the same to a sentence to life imprisonment without application of provision for pre-mature release/remissions for 30 years, held as under:

“58. Thus, taking into account the fact that in the case on hand a hapless 8 year old girl child, who is none other than the daughter of appellant's cousin sister raped and murdered and that too, in an extremely brutal manner revealed from the evidence on record, we are of the considered view that course adopted in the decision in Swamy Shraddananda's case (supra) and reiterated in Sriharan's case (supra) has to be adopted in this case. In other words, even while commuting capital punishment, the appellant has to be awarded life imprisonment without application of the provisions of premature release/remission for a substantial length of period. On such consideration we are of the view that it would be just and proper to award punishment of imprisonment for life to the appellant for the offence punishable under Section 302 IPC, by providing for an actual imprisonment for a period of 30 (thirty) years without application of the provisions of premature release/remission.”

21. The facts of the present case cannot be said to be on a footing worse than the above said cases inasmuch as in the instant case the victim



was not murdered whereas in the cited cases the victim had been murdered. Consequently, we are of the opinion that imposing death sentence would not be justified. Thus, while maintaining and upholding the conviction of the accused for offences under Section 6 of POCSO Act and Section 506(II) IPC, the sentence of 'death' is not confirmed. The appellant-accused is however, sentenced to undergo rigorous imprisonment for 30 years with a stipulation that he shall not be entitled to pre-mature release or remission before undergoing the actual imprisonment for a period of 30 years. The conviction and sentence as imposed upon the appellant for offence under Section 506(II) IPC shall remain unaltered and so shall be the directions regarding awarding of compensation as have been issued by the trial Court. The appeal stands dismissed with the modification of sentence as indicated above. The murder reference is also stands decided accordingly.

22. A photocopy of this order be placed on the connected case.

(GURVINDER SINGH GILL)
JUDGE

(JASJIT SINGH BEDI)
JUDGE

11.07.2025
Mohan

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