

**IN THE COURT OF SHIVANI, PCS, JUDICIAL MAGISTRATE FIRST
CLASS, BATALA**

FIR No. 40 Dated 26.03.2025
Offence U/s. 420/120-B IPC
P.S. :- Sadar Batala

Present: Sh. Gurkaranjit Singh, Ld. APP for the State.
Sh. R.K. Mahant, Advocate for applicant/accused.

ORDER

1. This order of mine shall dispose of bail application under Section 480 BNSS filed on behalf of applicant/accused Poonam.

2. As per averments of application, it is submitted that applicant/accused was arrested by the concerned police on 02.05.2026 in the present case and till today she is in judicial custody. There is unexplained delay in the registration of the FIR and the said delay has been used by the complainant for concocting a false story. The allegations leveled in the FIR are to be weighed during the trial. There is no evidence with the prosecution on record to connect the applicant/accused with the alleged offences and moreover as per version of the FIR, the ingredients of all the offences are missing and no offence is made out against the applicant/accused. The trial of case is likely to take long time for final conclusion and no useful purpose would be served by detaining the applicant/accused in custody. Hence, it is prayed that applicant/accused may be released on bail till the completion of trial in the interest of justice.

3. On the other hand, Learned APP for the State orally argued that the allegations against the accused are serious in nature. He also expressed the apprehension that if accused be released on bail then it would be difficult to secure her presence for trial.

4. File perused. Police record seen. ASI Satnam Singh has suffered a statement that there is no other case pending against accused Poonam except the present case FIR no.40 dated 26.03.2025 u/s 420, 120-B IPC PS Sadar Batala and that no offence has been added or deleted in the present FIR and that the accused has not been granted bail by any superior court. Perusal of the file reveals that there are serious allegations against the applicant/accused with regard to fraud of Rs.11,70,000/- and it is a settled principal of law that while granting bail, Court has to keep in mind the nature of accusations, nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character, behavior, means and standing of accused, circumstances which are peculiar to accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of witnesses being tampered with, the larger interest of public or state and similar other considerations. During the course of arguments, Ld. Counsel for applicant/accused submitted that bail be granted to applicant/accused on the parity of order of the bail granted to co-accused Divya. Here, it is pertinent to mention that vide order dated 14.05.2026 passed by undersigned, the bail was granted to co-accused Divya considering her medical condition as she is pregnant with the issues of high BP and required continuous medical checkup. Rather in instant case, applicant/accused is alleged to have committed offences under sections 420/120-B of IPC on the ground that accused

induced victims to deliver amount to the tune of Rs.11,70,000/- on the pretext of sending them to America and these allegations are grave and serious in nature. Furthermore, while deciding the bail application under section 480 of BNSS, Magistrate is fully empowered to take into consideration:

- i. The nature of allegations.
- ii. Whether delay is attributable to the accused or to the prosecution.
- iii. The criminal antecedents of the accused.

The allegations against accused is grave and serious in nature. In such a scenario, keeping in view above mentioned factors, this Court is of the considered view that this case is not a fit case to release accused on bail. Accordingly, the bail application of applicant/accused **Poonam** is **dismissed**. The present file be attached with the connected file.

Date of Order: 19.05.2026
Priyanka Devi (Stenographer Grade III).

(Shivani), PCS
JMIC/Batala
UID No. PB0681