

CNR No. PBFZBI-001439-2025**BA -179-202**

FIR No.0094 dated 12.07.2025,
Under Section 351 (2), 351 (3), 61 (2), 318 (4) OF BNS
Police Station : City Jalalabad

Present : Sh. Shekhar Dhawan, Adv. Counsel for accused-applicant.
Sh. Ankit Puggal learned APP for the State.

ORDER :

1. Heard on the bail application filed by accused –**Kailash Rani** wife of Falak Singh son of Khushal Singh AND **Falak Singh** son of Khushal Singh both residents of village Dhandi Kadim, Tehsil Jalalabad (W) District Fazilka.
2. It is submitted that the accused were arrested on 05.08.2025 and since then, they are in custody. He further submitted that they have been falsely implicated in this case. As per contents of FIR, no offence is made out against the accused. Lastly requested that he be released on bail.
3. On the other hand, learned APP for the State opposed the bail application by submitting that the offence committed by the accused is a serious offence and does not deserve the concession of bail. On these grounds, he has prayed for dismissal of the present application.
4. I have heard the learned counsel for the applicant and learned APP for the State and gone through the material record with their able assistance.
5. In brief, the allegations of the prosecution against the present applicant-accused are that accused persons approached the complainant on 03.01.2024 and requested that accused No. 1 has to purchase a house for which Rs. 14,00,000/- are needed by him. They prayed for loan from the complainant and showed readiness to repay the amount. Accordingly, the complainant gave Rs. 2,00,000/- cash on the said date to the accused No. 1 & 3 in the presence of Dalip Kumar and Manpreet Singh. Rs. 12,06,000/- was paid on different dates to accused No. 1 & 2 by way of bank transfer into their accounts. Accused No. 3 had taken responsibility regarding the repayment of loan by accused No. 1 & 2, in case they failed to do so. On 19.02.2024, accused No.1 & 2 got the sale deed done of their

house. They further took loan from Cholamandalam Bank. However, when the complainant demanded the repayment of the loan amount, the accused No.1 & 2 put off the matter. Panchayat was also called where accused No. 3 took time of 15 days for getting the payment made to accused No.1 & 2. After elapse of 15 days accused persons started abusing the complainant. They threatened the complainant that they have links with gangsters. Accused declared that their intention was to cheat the complainant which they had done and now complainant cannot do anything.

6. On the basis of the allegations, the enquiry was conducted by ASI Boota Singh, which has been approved by DSP, Jalalabad concluding therein that the amount of Rs. 12,75, 500/- has been found to be transferred into the bank accounts of applicants by the complainant from his bank account and as such the applicants along with co accused duped the complainant of the stated amount.

7. The learned defence counsel argued that the criminal prosecution to recover the alleged amount is not proper and relied upon the law laid down by **Hon'ble Punjab & Haryana High Court in case "Satbir Singh Vs. State of Punjab" bearing no. CRM-M-2472-2018 (O&M) decided on 22.01.2024** AND in case titled as **"Himanshu Gautam Vs. State of Haryana" bearing no. CRM-M No.41176 of 2024, decided on 26.09.2024.**

8. However, the applicant has only taken the plea in the bail application that the case has been falsely registered against them. No material has been produced on record to show that the case has been falsely registered. In view of the above said enquiry coupled with the oral and documentary evidence on the police file, there is sufficient material on record to prima facie indicate the criminal intent of the accused from the very beginning to dupe the complainant of the stated amount. The cited authorities are therefore, in my humble submission, are not applicable to the facts of present case.

9. The ld. Counsel for the applicant further argued with vehemence that the co accused Jaswant Singh has been granted interim bail vide order dated 31.07.2025. However, this Court is of the considered view that the

role of the applicants is different from the role allegedly played by the said co accused, who simply stood surety for the return of the alleged amount.

10. The offence under Section 318 (4) of BNS alleged to have been committed entails the punishment up to **seven years with fine**.

11. So keeping in view the nature and gravity of offence particularly, seeing the role played by the applicants in alleged commission of offence, the accused does not deserve the concession of bail. Hence the same is **dismissed**.

Bail application papers be attached with the remand papers.

Date of Order : 14.08.2025

**Arun Gupta, PCS,
Sub Divisional Judicial Magistrate
Jalalabad (W).UID No. PB0388**

David Paul, Stenographer - I