

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-60065-2023
Date of decision: 21.08.2024

SARLA DEVI
Versus
STATE OF PUNJAB
....Petitioner
...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

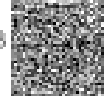
Present : Mr. Naveen Upadhyay, Advocate
for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

Mr. J.S. Bhandari, Advocate for
Mr. P.S. Bhandari, Advocate
for respondent No.2.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, under Section 438 of Cr.P.C., seeking grant of pre-arrest bail to the petitioner in case bearing FIR No.26 dated 22.05.2023, under Sections 420 and 34 of IPC, registered at Police Station Kotli Surat Mallian, Batala, Punjab.
2. The allegations as per the FIR (supra), reflects that the present petitioner along with her son Ajay, contacted Lovepreet Singh, son of the complainant, through social media, and they assured him that they would send him to Cuba (Island country in North America), and would also arrange a permanent job there for him. The deal was finally settled by the son of the petitioner, for a sum of Rs.16,00,000/-. The petitioner Sarla Devi had been making telephonic calls to the complainant, from time to time, and in pursuance to the false representations made by the petitioner, the complainant deposited Rs.11.5 lakh, in



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the account of the petitioner, and her son Ajay on various occasions. In addition an amount of Rs.1.5 lakh was also given to the petitioner in cash, however, they failed to send the son of the complainant abroad, and thus they have cheated the complainant on the pretext of sending her son abroad.

3. Learned counsel for the petitioner, submits that there is no false representation on the part of the petitioner, and the other co-accused, as per the assurance, they have already arranged the visa for Armenia (Country in Asia), and for that a legal notice Annexure P-3, was served by the son of the petitioner, to the complainant, to the effect that the complainant shall collect the visa for Armenia. Learned counsel for the petitioner further submits that the visa for Cuba was also arranged, however, it was the complainant, who failed to take the flight for Cuba.

4. Learned State counsel, assisted by learned counsel for the complainant submits that the petitioner has not disputed the receipt of the amounts, whereas, no visa for Cuba has ever been given to the complainant. They further submits that, even the veracity of such visa is yet to be ascertained.

5. This Court has heard the learned counsel for the parties concerned, and has perused the record.

6. Since there are specific allegations that amount has been transferred in the account of the present petitioner, therefore, the submissions made by learned counsel for the petitioner, is without any supported documents, and the same cannot be accepted by this Court.

7. The petitioner at one point of time made a request to this Court that the petitioner is ready and willing to settle the dispute with the complainant, therefore, on the request of the petitioner, the matter was sent to Mediation and



Conciliation Centre of this Court, and on that account, the petitioner was granted the relief of interim bail, vide order dated 05.01.2024.

8. The report of the Mediator has been received, and the perusal of the same reflects that an amicable settlement could not be arrived at between the parties concerned.

9. Today, this Court has also put a query to the learned counsel for the petitioner, that what is the proposal by the petitioner, to settle the dispute with the complainant, to which he answered that they are ready and willing to pay an amount of Rs.1 lakh only, to the complainant, to settle the issue, as involved in the instant matter.

10. The proposal of depositing Rs.1 lakh for the purpose of Mediation, appears to be made only with an intent to continuously enjoy the interim relief, as granted by this Court to the present petitioner. Therefore, considering the conduct of the petitioner that she took the Court proceedings for a ride, this Court is not inclined to grant the asked for relief. Furthermore, considering the fact that there are specific allegations against the petitioner that she actively participated in deceiving a gullible person, and that the money transaction occurred through her bank account, therefore too, this Court does not deem it appropriate to grant the extraordinary relief of pre-arrest bail to the present petitioner.

11. The instant petition is **dismissed** accordingly.

21.08.2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No