

2025:PHHC:053687



205.

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

**CRM-M-58876-2024 (O&M)**

Date of decision: 25.04.2025

Ravi Saraf

.... Petitioner

Versus

State of Punjab

.... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Vinod Ghai, Senior Advocate with  
Mr. Randeep Singh Waraich, Advocate, for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

Ms. Sumita Saraf, Advocate, for the complainant.

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**MANJARI NEHRU KAUL, J. (ORAL)**

1. On 24.02.2025, this Court passed the following order:-

“Prayer in this petition filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 read with Section 439 of Cr.P.C., is for grant of regular bail to the petitioner in case FIR No.0020, dated 01.03.2024, under Sections 420, 120-B of IPC, registered at Police Station Division No.3, District Police Commissionerate, Ludhiana, District Ludhiana.

Learned senior counsel for the petitioner submits that the petitioner has been falsely implicated in the present case at the instance of the complainant, who is his sister-in-law.

It is contended that the parties had initially entered into a compromise in 2022, pursuant to which, the petitioner had fulfilled all conditions except the transfer of one property in the name of the complainant. However, complete possession of said property had already been handed over to the complainant. The present FIR, it is argued, has been registered solely due to the alleged non-fulfilment of this remaining condition.

Learned senior counsel for the petitioner further asserts that the only reason for his inability to complete the terms of the compromise is a collusive civil suit instituted by the

complainant in connivance with the petitioner's sister, namely, Sheetal Monga. This collusive litigation, as per the learned senior counsel, has resulted in a stay order on the concerned property, thereby creating a legal impediment to its transfer. In support, learned senior counsel has drawn the attention of this Court to Annexures P-5, P-6 and P-7.

It has been further highlighted by the learned senior counsel that collusion between the complainant and Sheetal Monga is evident from the fact that same counsel is representing both the complainant and Sheetal Monga. The said counsel, having earlier filed the civil suit on behalf of Sheetal Monga, wherein both the complainant and the petitioner were arrayed as defendants, also obtained a stay order on the disputed property.

Furthermore, it is argued that under the terms of the compromise, the complainant was obligated to transfer three properties in the name of the petitioner. However, instead of fulfilling her part of the agreement, she has initiated the present criminal prosecution against the petitioner and his wife, as a means of exerting undue pressure upon them.

Learned senior counsel has also submitted that, given the familial nature of the dispute and the ongoing civil litigations, the petitioner had given an undertaking during his custody, expressing his willingness to transfer the concerned property to the complainant. In support, attention has been drawn to Annexure P-15. It has been submitted that in furtherance of this, the petitioner had even moved an application (Annexure P-13) before the learned Civil Judge, Ludhiana, seeking permission for the said transfer. The said court had issued notice on 08.10.2024 (Annexure P-14). However, during those proceedings, the counsel for the complainant failed to acknowledge this fact, thereby obstructing the transfer of the property.

It has been asserted by the learned senior counsel that despite the above facts, the complainant continues to allege that the petitioner has not fulfilled his obligations under the compromise. Meanwhile, the petitioner has already instituted a civil suit (Annexure P-8) seeking specific performance of the compromise terms against the complainant. It is contended that the dispute is essentially of a civil nature, with multiple litigations pending before the learned civil court.

It has been lastly urged by the learned senior counsel that the petitioner has been in custody since 28.08.2024 in a magisterial trial, while the co-accused has already been granted regular bail by the court below. The petitioner has clean antecedents, and no useful purpose would be served by keeping him behind bars. It has also been submitted that if released on bail/interim bail, the petitioner would make earnest

efforts to reach an amicable settlement acceptable to all parties.

The complainant, appearing in person, submits that following the demise of her husband, she was left in dire straits by the family of her in-laws. She alleges that the petitioner, her brother-in-law, along with his family members, usurped the assets left by her late husband, including properties, firms, and businesses.

She contends that the petitioner has been misleading her under the pretext of compromise, repeatedly stating that he was willing to transfer the concerned property to her, first in 2022 and later during his application for anticipatory bail. However, despite these assurances, no property, let alone its possession, has been transferred to her. Instead, she has been embroiled in a series of litigations initiated by various members of her in-laws family, including the petitioner.

She further alleges that her in-laws, including the petitioner, have deliberately entangled the concerned property in civil litigation to evade their obligations under the compromise. By obtaining stay orders, they have ensured that the property cannot be transferred to her.

Although she has previously been misled by the petitioner under the guise of compromise, she is not averse to a settlement, provided that all the properties and businesses in question are transferred to her in accordance with her rightful entitlements.

I have heard learned counsel for the parties and perused the material placed on record.

Considering the facts and circumstances of the case, the petitioner is granted the concession of interim bail for a period of two months to facilitate an amicable resolution with the complainant, who is his widowed sister-in-law.

Accordingly, the petitioner be admitted to interim bail for a period of 02 months on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. He will surrender back in the concerned jail on 24.04.2025 on or before 05:00 PM.

Adjourned to 25.04.2025.”

2. Pursuant thereto, a report has now been received from the Mediation and Conciliation Centre of this Court, indicating that the mediation proceedings have culminated without any settlement between the parties.

3. Learned senior counsel appearing on behalf of the petitioner has reiterated the submissions made earlier and submitted that the petitioner has been falsely implicated at the instance of the complainant, who is his sister-in-law. It is contended that a compromise was effected between the parties in 2022, under which the petitioner fulfilled all conditions except the transfer of one property to the complainant. However, possession of the said property had already been handed over to her. It has been contended that the present FIR has been filed solely due to the non-fulfillment of this one condition.

4. Learned senior counsel has further submitted that the delay in transferring the property was caused by a civil suit filed by the complainant in collusion with the petitioner's sister, Sheetal Monga, which resulted in a stay order on the property, preventing its transfer. It has also been submitted that, as per the compromise terms, the complainant was supposed to transfer three properties to the petitioner, but instead of adhering to her part of the agreement, she initiated criminal proceedings against the petitioner and his wife, to exert pressure. Additionally, the learned senior counsel has emphasized that, despite the ongoing civil litigation, the petitioner had undertaken, during his custody, to transfer the property. An application for this transfer was filed before the Civil Judge, Ludhiana, and notice was issued on 08.10.2024. However, the complainant's counsel failed to acknowledge this during proceedings, further obstructing the transfer. Learned senior counsel has also emphasized that the matter primarily concerns documentary evidence, with no allegations of tampering or

witness interference. Learned senior counsel has still further submitted that after the presentation of challan on 11.10.2024, even the charges stand framed, and in these circumstances, his further incarceration would serve no useful purpose. It is also submitted that the petitioner, pursuant to the directions of this Court, had appeared before the Mediation and Conciliation Centre and participated in the proceedings in good faith. However, the mediation could not yield a positive outcome. During the period of interim bail granted by this Court, the petitioner has abided by all the conditions imposed and there has been no allegation of tampering with evidence, pressuring witnesses, or breaching the terms of the relief granted.

5. The complainant appearing in person, has vehemently opposed the prayer and submissions made by the counsel opposite. It has been urged that there are serious allegations against the petitioner of usurping the property, bank balance and FDRs of her deceased husband by forging certain documents.

6. Learned State counsel, on instructions, has, however, not been able to dispute that the case at hand rests on documentary evidence which is already in possession of the Investigating Agency. Learned State counsel has also not disputed that the petitioner remained compliant during the interim bail period. Learned State counsel has apprised this Court that the charges have been framed, and the matter is at the stage of prosecution evidence.

7. I have heard the learned counsel for the parties and perused the material on record with their able assistance.

8. Admittedly, the petitioner has availed of the interim bail granted by this Court without any violation of its terms, and has participated in the mediation process. It is not the case of the prosecution or the complainant that the petitioner has attempted to tamper with evidence or influence any witness. The matter appears to be primarily documentary in nature, and custodial interrogation would not be necessitated.

9. In view of the totality of circumstances and without expressing any opinion on the merits of the case, the petition is allowed and the interim bail granted to the petitioner vide order dated 24.02.2025 is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) of BNSS, 2023.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

11. Pending application, if any, shall also stand disposed of.

**(MANJARI NEHRU KAUL)  
JUDGE**

**April 25, 2025**  
sanjeev

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