

2. Matter was earlier heard at some length on 12.07.2023 by me when following order was passed:

“ Mr. R.S.Cheema, Senior Advocate, present in Court to assist in another matter, is requested to assist the Court as an Amicus Curiae, which he has graciously accepted.

Learned counsel for the petitioner to provide copy of the paper book to learned Senior counsel.

Post it on 25.07.2023.

Meanwhile, presence of the petitioner before learned trial Court is exempted till further orders, unless her statement is required to be recorded and/or her cross-examination is to be carried out.

At this stage, learned counsel for the complainant/respondent No.2 states that in case petitioner is willing to make an undertaking that she shall not insist on execution of performance of her subsequent agreement to sell dated 10.05.2010 with Harpal Kaur, co-accused in the case and also give further undertaking that she gives up all her rights and title of any kind in the property in question, he is willing to drop his charges against her as an accused, as was originally also opined in the investigation report filed under Section 169/173 Cr.P.C.

Being so, matter is being posted for the limited purpose to enable the learned counsel for the parties to seek instructions from their respective clients on 18.07.2023.

In case, there is no positive outcome, matter will be heard on 25.07.2023.”

3. *Apropos*, parties tried to settle their differences amicably but it seems that nothing fruitful yielded, as is borne out from subsequent order dated 18.07.2023, which is reproduced as below:

“ Apropos order dated 12.07.2023, learned counsel for the complainant submits that his client apprehends that, if he decides to not press charges against the petitioner, he will not be able to get possession of the property in question from the other accused who is sister of the petitioner. He states that matter be rather referred to Mediation and Conciliation Centre of this Court.

Be that as it may, post it on 25.07.2023, the date already fixed.

To be taken up at the end of the Board.”

4. On resumed hearing today, I have heard learned Amicus Curiae as well as learned counsels for parties.

5. At the very outset, per suggestion of learned senior counsel/ Amicus Curiae, both learned counsels are ad idem that they have no objection if prayer in the petition is allowed and trial is directed to be concluded expeditiously.

6. Given that inordinate delay has already occurred in conclusion of proceedings as FIR was registered way back in the year 2010, for six years no challan was filed and even after filing of challan, it has already been seven years and the petitioner, 71-year old senior citizen lady is per force separated from her family residing in USA, due to the bail conditions, petition in any case merits acceptance.

7. In the premise, without commenting on the merits of contentions from either side and defence taken in present petition which is left open to be adjudicated by the Court below, instant petition is allowed. Learned trial Court shall make all endeavours to proceed with further trial as expeditiously as possible and without granting unnecessary adjournments. In case adjournments are required due to work exigency, attempt shall be made to proceed with the matter on week-to-week basis. Meanwhile, presence of the petitioner shall not be insisted unless her statement is to be recorded by the Court below.

8. Needless to say that she is at liberty to appear before the Court on her own volition, in case she so desires to watch her own interest.

9. In the parting, I deeply appreciate the efforts of learned Amicus Curiae who made earnest endeavours to bring about an amicable settlement which, however, were not fruitful.

10. Disposed of in above terms.

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

JULY 25, 2023
Shalini

(ARUN MONGA)
JUDGE

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