



102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 15.05.2025

(i) CRA-S-2407-SB-2004 (O&M)

Chinna Singh

... Petitioner

Versus

State of Haryana

...Respondent

(ii) CRA-S-2544-SB-2004(O&M)

Pohla Singh

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jitender Dhanda, Advocate
for the appellant in CRA-S-2407-SB-2004.

Mr. Amit Rana, Advocate
for the appellant in CRA-S-2544-SB-2004.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. This common judgment shall dispose of both the abovementioned appeals as both of them arise from judgment of conviction dated 19.11.2004 and order of sentence dated 24.11.2004 passed by learned Additional Sessions Judge, Fatehabad in the case stemming from FIR No.252 dated 01.09.1999 registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Ratia. Both the appellants were sentenced as follows:

Offence	Sentence
Section 15(c) NDPS Act	Rigorous imprisonment for 2.5 years and a fine of Rs. 10,000/- each and in case of default, rigorous imprisonment 06 months.



2. At the outset, learned State counsel submits that both the appellants namely Chinna Singh and Pohla Singh have passed away during the pendency of the present proceedings.

3. In view of the judgment rendered by this Court in *Shivji Ram @ Dimple vs. State of Punjab 2023(1) R.C.R.(criminal) 738* as well as the Full Bench of the Kerala High Court in *Pazhani S/o Chami vs. State of Kerala 2017(1) R.C.R. (Criminal) 1045*, the present appeal(s) are disposed of with the following directions:

- i. Both the abovementioned appeals shall stand abated on account of death of the respective appellants.
- ii. The State exchequer shall be at liberty to recover the fine amount by adopting due process of the law.
- iii. If State chooses to start recovery process of the amount of fine from the estate of the deceased appellant(s), a valid notice in that regard would be served upon their legal heirs who have a vested right in the said estate.
- iv. If any such legal heir(s) or any interested person(s) are aggrieved with the process of recovery of fine, they may move an appropriate application before this Court seeking revival of the appeal. However, the same must be done within 30 days of receipt of such notice.
- v. Such legal heir(s) or any interested person(s) would also be at liberty to deposit the total amount of fine, which is subject matter of the appeal, in the office of concerned authority.
- vi. If revived, the appeal shall be heard on merits.

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

(HARPREET SINGH BRAR)
JUDGE

15.05.2025

Ajay Goswami

- | | | |
|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |