



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

323

CRA-S-1094-SB-2005 (O&M)

Date of decision: 19.05.2025

Ishwar Singh

....Appellant

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Aarush Neeraj Vaid, Advocate
for the appellant.

Mr. Harkesh Kumar, AAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

1. The prayer in the present appeal is to set-aside the judgment of conviction and order of sentence dated 13.04.2005 passed by learned Presiding Officer, Special Court, Bhiwani whereby the appellant was convicted and sentenced for the offence punishable under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter 'the NDPS Act'), in the case stemming from FIR No.166 dated 04.04.2003 registered under Section 20 of the NDPS Act at Police Station City Bhiwani.

2. The appellant was found in possession of 500 gms of Charas, for which he was convicted and sentenced as follows:-

Offence	Sentence
Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985	Rigorous imprisonment for a period of 05 years and to pay fine of Rs.5,000/- and in default of payment of fine, to further undergo rigorous imprisonment for 03 months.



3. Learned State counsel at the very outset, on instructions from Inspector Satnarayan, submits that during the pendency of the present appeal, the appellant had died on 28.11.2014. A copy of death certificate of the appellant has been produced in the Court today, which is taken on record as Mark X.

4. 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 is disposed of with the following directions:

1. *The instant appeal stands abated on account of death of the appellant.*
2. *The State exchequer shall be at liberty to recover the fine amount by adopting due process of the law.*
3. *If State chooses to start recovery process of the amount of fine from the estate of the deceased appellant, a valid notice in that regard would be served upon the legal heirs who have a vested right in the said estate.*
4. *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 a period of 30 days of receipt of such notice.*
5. *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.*
6. *If revived, the appeal shall be heard on merits.*



5. All the pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

19.05.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No