

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

**CRM No.37051 of 2017 IN/AND
CRA-S No.623-SB of 2011 (O&M)
Date of decision: 15.03.2018**

Balbir Singh Fauji

....Applicant/Appellant

Versus

State of Haryana

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vinod Bhardwaj, Advocate
for the applicant/appellant.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

CRM No.37051 of 2017

Prayer in this application is for releasing the documents i.e. Certificate of Defence Service No.14398 Enrolled 11/36/95, Pension Certificate, Identity Card of the appellant namely Balbir Singh (since deceased) to the applicant namely Saroj Bala widow of Balbir Singh.

Counsel for the applicant has submitted that the appellant – Balbir Singh was convicted vide judgment of conviction dated 16.02.2011 by the Additional Sessions Judge, Kaithal and was further ordered to undergo rigorous imprisonment for a period of 03 years and to pay a fine of Rs.2,500/- for offence punishable under Sections 4(b) and 5 of the Explosive Substances Act. It is further submitted that the appellant – Balbir Singh has died on 05.03.2017 and the appeal stands abated as the appellant is the sole accused in the present case.

Counsel for the applicant has further submitted that the aforesaid documents are required for the purpose of obtaining the family pension by widow of the deceased and since the main appeal stands abated, the same are not required by the prosecution for any other purpose.

Counsel for the State, on the basis of the affidavit dated 19.02.2018 filed by the Deputy Superintendent of Police, Kaithal, has

not disputed the fact that the appellant – Balbir Singh Fauji has died on 05.03.2017.

Heard.

Considering the fact that the appellant – Balbir Singh Fauji has already died and no further adjudication is required on the basis of re-appreciation of the evidence and the fact that the appeal stands already abated, the original documents i.e. Certificate of Defence Service No.14398 Enrolled 11/36/95, Pension Certificate, Identity Card of the appellant namely Balbir Singh (since deceased), are ordered to be released in favour of the applicant namely Saroj Bala widow of Balbir Singh.

The In-charge Judicial Record, Kaithal is directed to handover the original documents to Saroj Bala widow of Balbir Singh and retain the certified copy of the same on judicial record.

MAIN CASE

In view of the discussions made in CRM No.37051 of 2017, the present appeal is also disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

15.03.2018
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No