



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

431

CRA-S-318-SB-2007 (O&M)  
Date of decision: 19.05.2025

Vedpal Singh

....Appellant

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present:   None 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 26.09.2006 passed by learned Additional Sessions Judge-II, 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.399 dated 06.10.2004 registered under Section 20 of the NDPS Act at Police Station Sadar Bhiwani.
2.

The appellant was found in possession of 750 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 04 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 Narendra Kumar, submits that the appellant had died in the year 2019, during the pendency of the present appeal. In this regard, the statement of villagers and Sarpanch of Gram Panchayat Sawai Pana, village Kalinga, District Bhiwani, have been recorded. A photocopy of the said statements are 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**  
*yakub*

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