
(2011) 02 P&H CK 0125
In the Punjab And Haryana At Chandigarh
Case No : Criminal Appeal No. 816-SB of 2002

Sarabjit Singh	Vs	APPELLANT
State of Punjab		RESPONDENT

Date of Decision : 25-02-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 307, 34, 450

Citation : (2011) 02 P&H CK 0125

Hon'ble Judges : Kanwaljit Singh Ahluwalia, J

Bench : Single Bench

Judgement

Kanwaljit Singh Ahluwalia, J.—The present appeal has been filed by Sarabjit Singh, who along with his co-accused Balbir Singh, Gurdeep Singh and Barhama Ram, was nominated as an accused in case FIR No. 100 dated 29.11.1997, registered at Police Station Sehna, under Sections 450 and 307 read with Section 34 IPC. The Court of Additional Sessions Judge, Barnala, vide its judgment dated 2.5.2002, held the Appellant guilty for the offence under Sections 450 and 307 read with Section 34 IPC and vide a separate order of even date, sentenced him to undergo rigorous imprisonment for a period of three years and to pay a fine of `500, in default whereof to further undergo rigorous imprisonment for a period of one month, on both the counts. Both the sentences were ordered to run concurrently. However, his co-accused Gurdeep Singh and Barhama Ram were acquitted of the charges, whereas the proceedings qua co-accused Balbir Singh, have already been abated.

2. Learned Counsel for the Appellant has submitted at bar that the Appellant has expired in June 2009 and hence, the present appeal has abated.

3. This Court has no reason to doubt the statement made at bar by learned Counsel for the Appellant. However, as a matter of abundant caution, the Chief Judicial Magistrate, Sangrur, is directed to hold an enquiry regarding the factum of death of Sarabjit Singh son of Balbir Singh, resident of Bajwa Patti Barnala, Police Station Barnala, District Barnala. In case, the Chief Judicial Magistrate

comes to a conclusion that the Appellant has died, no further reference shall be made to this Court. However, if the report submitted by the Chief Judicial Magistrate is otherwise, the Registrar (Judicial) may revive the present appeal.

4. With the directions issued above, the present appeal is disposed of having abated.