

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

**CRM-M-19773-2023
DECIDED ON: 21.04.2023**

JASPAL SINGH**.....PETITIONER**

VERSUS

SHASHI KAPOOR**.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Ruhani Chadha, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. This is a petition under Section 482 of Cr.P.C., for quashing of order dated 21.01.2023 (Annexure P-5) passed by the Court of Judicial Magistrate 1st Class, Jalandhar in NACT case No.3275 dated 01.06.2018 vide which the petitioner has been declared proclaimed person.

2. It is the case of the petitioner that he got regular bail on 30.08.2019 (Annexure P-2). Thereafter, the petitioner started remaining absent, since then. Learned counsel for the petitioner averred that the petitioner was regularly appearing before the trial Court, but due to pandemic covid-19 and restricted working of the Court, he could not appear in Court, and ultimately, his bail/surety bonds were cancelled, which were forfeited to the State and non-bailable warrants have been issued against him vide order dated 17.12.2021 (Annexure P-3).

3. After such a long and consistent absence of the petitioner, the process of proclamation under Section 82 of Cr.P.C., was started.

4. Another excuse given by the petitioner, as has been averred before this court, though there is no mentioning of the same in the petition at

all, that he was not served with any bailable or non-bailable warrants so issued by the Court on account of the fact that the same were not issued on the correct address.

5. However, on a query put by the Court, learned counsel for the petitioner submitted that the bailable/non-bailable warrants were sent at the same address, which is available with the Court, on which the petitioner was earlier served and was attending the judicial proceedings in the Court having been served from the initial date of summoning in the present complaint. There is no valid ground for the petitioner now to take u-turn and to assert that the bailable warrants and thereafter non-bailable warrants were not served on the correct address. Another fact is also to be borne in mind is that he admittedly never made any attempt by moving an application or through his counsel, to get the address corrected in the Court record, if he had changed the residential premises.

6. There is no other assertion raised before this Court by the counsel for the petitioner to make out a case of any adversity, illegality or perversity in the order dated 21.01.2023 (Annexure P-5), as the same has been passed, after following due procedure of law and each and every technicality while issuing proclamation under Section 82 of Cr.P.C.

7. This Court does not find any reason to interfere. Hence, the petition stands dismissed.

(SANDEEP MOUDGIL)
JUDGE

21.04.2023

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>