

**In the High Court for the States of Punjab and Haryana  
At Chandigarh**

CRM-M-48361-2019 (O&M)  
Date of Decision:-1.9.2022

Vijay Kumar ... Petitioner

Versus

State of Punjab ... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Bhirgu Dutt Sharma, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,  
assisted by SI Gurmeet Singh.

Mr. Onkar Rai, Advocate for the complainant.

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**GURVINDER SINGH GILL, J.** (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.146, dated 25.9.2019, Police Station Satnampura, District Kapurthala, under Section 420 of Indian Penal Code.
2. On 13.1.2022, this Court had passed the following order:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.146 dated 25.9.2019, Police Station Satnampura, District Kapurthala under Section 420 of Indian Penal Code and Section 13 of Punjab Prevention of Human Smuggling Act, 2012, wherein the allegations are broadly to the effect that he

had taken an amount of Rs.9,50,000/- for the purpose of sending Ushma Rani wife of Gian Chand to Germany and that although Ushma Rani was sent to Georgia but she was never sent thereafter to Germany and that Ushma Rani was left stranded in Georgia for 15 months.

This Court finds that vide order dated 21.11.2019 the petitioner had been granted interim bail. Subsequently the following order came to be passed on 25.10.2021:

“Ld. Counsel for the petitioner seeks liberty to file an amended Petition by incorporating the offences punishable under Sections 376 & 408 of the IPC, which were added subsequently during investigation. Ld. Counsel for the petitioner further submits on instructions that the complainant's sister-in-law, namely, Ushma Rani had already reached Germany long ago and is actually living with her husband, namely, Gian Chand, who is settled there. He seeks some time to place on record appropriate authentic material in support of this submission, which is made in the context of his case that his client is being unnecessarily harassed and pressurized to illegally part with money by making out false allegations that the lady, in question, namely, Ushma Rani had got stranded in Georgia and not sent to Germany, even though his case otherwise is also that he has no connection with the alleged sending of the said lady abroad. In the interest of justice, adjourned to 17.11.2021, for filing amended Petition as well as the appropriate material regarding actual whereabouts of the Lady Ushma Rani on behalf of the petitioner. Interim order to continue till then.”

Thereafter on 10.12.2021 the following order was passed:

“Learned counsel for the petitioner seeks further time for two weeks to place the appropriate material regarding actual whereabouts of the Lady Ushma Rani, as required in the previous order dated 25.10.2021. In the interest of justice, time is extended till 12.01.2022, for the compliance of order dated 25.10.2021, failing which, the interim protection granted to the petitioner shall be summarily withdrawn.”

Learned counsel for the petitioner has today informed that he has not been able to contact the petitioner despite repeated efforts and, as such, cannot furnish any information in respect of the query put to him by this Court on the previous dates.

Since, this Court finds that the petitioner is playing hide and seek with the Court and that specific order had been passed that in the absence of furnishing requisite information by the petitioner, the interim protection would be withdrawn, it is hereby ordered that the interim protection as afforded to the petitioner vide order dated 21.11.2019 is hereby withdrawn.

List on 19.5.2022 for arguments.”

3. Thereafter, when the matter was listed before this Court on 19.5.2022, there was no representation on behalf of the petitioner and the matter was adjourned to 1.9.2022 i.e. today.
4. Today, Mr. Bhirgu Dutt Sharma, Advocate representing the petitioner has submitted that he has been unable to contact his client.
5. The aforestated position indicates that the petitioner indeed is playing hide and seek with the Court. In these circumstances, this Court does not find any

ground for grant of anticipatory bail. The petition, as such, is dismissed for non-prosecution.

1.9.2022

pankaj

( Gurvinder Singh Gill )  
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No