

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(I) CRM-M-2354-2021 (O&M)**

Vishal Handa ...Petitioner

Versus

State of Punjab ...Respondent

(II) CRM-M-8679-2021 (O&M)

Munish @ Munish Kumar Mahindru ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision: 09.02.2022**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**Present: None for the petitioner
in CRM-M-2354-2021.Mr. Vipin Mahajan, Advocate,
for the petitioner in CRM-M-8679-2021.Mr. Anmol Singh Sandhu, AAG, Punjab,
assisted by ASI Dalbir Singh.*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. This order shall dispose of the aforesaid two petitions filed on behalf of Vishal Handa and Munish @ Munish Kumar Mahindru respectively, seeking grant of anticipatory bail in respect of a case registered vide FIR No.188 dated 02.12.2020 at Police Station Division No.1 Pathankot, District Pathankot, under Sections 420/465/467/468/471/120-B IPC.

2. At the time of issuance of notice of motion in CRM-M-2354-2021, the following order was passed on 18.01.2021:

“Learned counsel for the petitioner submits that he has been running a study center of Karnataka University under the name and style of ‘AISECT Regional College’ at Pathankot and that the complainant had sought admission in the said study center and also admission in Karnataka Open University for studying B.Sc.(IT). Learned counsel has submitted that the complainant was duly issued a roll number for appearing in the first semester but he chose to remain absent as would be reflected from the mark-sheet (Annexure P-2). It has been submitted that subsequently the complainant duly appeared in all the remaining five semesters as would be evident from the mark-sheet also annexed as Annexure P-2.

Learned counsel has submitted that it was on account of complainant’s own lapse that he did not clear the first semester and for which the petitioner cannot be held liable.

Notice of motion for 26.4.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Similarly, in the connected case i.e. CRM-M-8679-2021, this Court vide order dated 24.02.2021 while issuing notice of motion granted interim bail to the co-accused Munish.
4. Learned State counsel upon instructions has submitted that pursuant to interim directions issued by this Court, while petitioner-Munish has joined investigation, petitioner-Vishal Handa has not joined investigation till date. Learned State counsel has further informed that while petitioner-Vishal Handa stands

involved in 6 other cases, petitioner-Munish is not involved in any other case. Learned State counsel has, however, submitted that petitioner-Munish, having joined investigation, is not required for any custodial interrogation.

5. Having regard to the aforestated position, wherein petitioner-Munish, who as per the case of the prosecution, was partner with Vishal in AISECT Regional College has joined investigation and is not required for custodial interrogation and otherwise has a clean record, the petition filed by petitioner-Munish i.e. CRM-M-8679-2021 is accepted and the interim directions issued by this Court vide order dated 24.02.2021 qua him are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
6. As far as petition filed on behalf of Vishal Handa is concerned, the said petitioner despite specific directions issued by this Court has chosen not to appear before the Investigating Officer. The said position was informed to this Court on 27.04.2021 and 14.10.2021. Today again, it has been informed by the learned State counsel that Vishal Handa has not joined investigation till date. There is no representation on behalf of petitioner-Vishal Handa.
7. Keeping in view the aforestated position, wherein petitioner-Vishal Handa had chosen not to comply with the directions issued by this Court as regards joining investigation, he does not deserve any

concession of anticipatory bail. The petition filed on behalf of Vishal Handa i.e. CRM-M-2354-2021, as such, is dismissed.

8. A photocopy of this order be placed on the connected file.

(GURVINDER SINGH GILL)
JUDGE

09.02.2022

Vimal

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