

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

CRM-M-28754-2017

Date of decision: 13.10.2017

Vishal Poonia

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Babbar Bhan, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner – Vishal Poonia – an accused in FIR No.100 dated 8.2.2015, under Sections 147, 149, 201, 323, 506, 406, 420, 447, 465, 467, 468, 471, 120-B IPC, registered with Police Station Sadar, Hisar.

The FIR in this case was registered on the basis of the complaint made by Mahender Singh son of Raghubir Singh Duhan, resident of House No.163, PLA, Hisar.

Inter alia, in the statement he stated that he and his wife had retired from Education Department, Haryana and retiral benefit of his wife

were invested for the purchase of a shop measuring 12 x 30, No.4/2, Sham Vihar, near Hanuman Statue, Kaimri Road, Hisar; that the membership No.216 was duly registered in register No.320 dated 16.12.1999; that Ishwar Singh Punia son of Dhup Singh Punia, resident of village Satrod Kalan is proprietor of the society and complainant had purchased a shop from him; that a few days prior to recording of FIR, complainant had gone to inquire about his property then he came to know that Vikas son of Ishwar Punia, owner of the society and employee Anoop son of Sh. Mani Ram resident of village Muklan, Hisar conspired with each other and sold his property to one Mohit Rathi son of Ram Niwas Rathi, resident of House No.25, Street No.2, Jawahar Nagar, Hisar on 2.4.2013. According to the complainant when he tried to contact Ishwar Punia, he avoided doing so and when he demanded his money back from the accused, he flatly refused to do so stating that he would inform after discussion with his son Vikas and his employee Anoop; that on 8.2.2015, when the complainant went to see his plot, he found Balwant son of Ramji Lal and his son Ajit, his brother Hoshiyar Singh son of Ramji Lal, his son Surender son of Hoshiyar Singh etc. which include Anil Advocate, resident of village Singhrawn along with 4-5 other persons to be present there; that they were sitting armed with lathies and dandas and were found taking possession by raising construction over shop of complainant; that when Abhishek son of the complainant reached the spot, he told them regarding the factual position, then it came out that Ishwar Punia had wrongly sold the plot to Mohit Rathi. The accused had threatened them and then the complainant reported the matter to the police. The

investigation was carried out. The accused were arrested. The petitioner – accused had filed an application for regular bail in the Court of Sessions but the same was dismissed by learned Additional Sessions Judge, Hisar vide order dated 28.7.2017, therefore the petitioner has approached this Court for grant to similar relief.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

The respondent in the reply has given the details of the other criminal cases in which the petitioner was involved. The FIR numbers along with status of the cases are as under:

Sr.No.	Detail of cases registered against the petitioner	Status
1.	FIR No.229 dated 1.3.2010, u/Ss 148, 149, 323, 452 & 506 IPC, PS City Hisar.	Petitioner/accused was acquitted by giving the benefit of doubt by the learned JMIC, Hisar on 9.3.2015.
2.	FIR No.104 dated 4.3.2010, u/Ss 147, 148 and 323 IPC, PS Civil Lines, Hisar.	Petitioner/accused was acquitted by giving the benefit of doubt by the learned CJM, Hisar on 24.3.2015.
3.	FIR No.1103 dated 27.12.2010, u/S 380 IPC, PS City, Hisar.	Petitioner/accused was acquitted by giving the benefit of doubt by the learned JMIC, Hisar on 7.10.2014.
4.	FIR No.1001 dated 16.9.2015, u/Ss 420, 506, 34 IPC, PS City, Hisar.	This case has been clubbed/merted with case FIR No.100 dated 8.2.2015, u/Ss 420, 447, 120-B, 506, 323, 147, 149 of IPC, PS Sadar, Hisar.
5.	FIR No.100 dated 8.2.2015, u/Ss 420, 447, 120-B, 506, 323, 147, 149 IPC, PS Sadar, Hisar.	The report under Section 173 Cr.P.C. has been submitted in the Court of Illaqa Magistrate on 9.6.2016. Charges have been framed against the petitioner and other five accused and charges on remaining two accused yet to framed. The case is fixed for 24.10.2017 for presence of accused in the Court of JMIC, Hisar.

After hearing learned counsel for the petitioner, learned State counsel besides going through the record, keeping in view the serious nature of allegations and the fact that the petitioner is involved in as many as five other criminal cases, though in FIR No.229 dated 1.3.2010, he is stated to have been acquitted by giving him benefit of doubt, similar position being there in case FIR No.104 dated 4.3.2010, his earning acquittal in FIR No.1103 dated 27.12.2010 under Section 380 IPC, Police Station City, Hisar, FIR No.1001 dated 16.9.2015 under Sections 420, 506, 34 IPC, Police Station City, Hisar having been clubbed/merged with case FIR No.100 dated 8.2.2015, under Sections 420, 447, 120-B, 506, 323, 147, 149 of IPC, Police Station Sadar, Hisar. However, this fact shows that the petitioner is habitual criminal and if he is ordered to be released on bail, there is every chance of his taking to path of crime again posing danger to public piece and tranquility.

Therefore, finding no merit in the petition, the same stands dismissed.

13.10.2017
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No