

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-34177 of 2015
Date of decision : 29.10.2015

Gurbhej Singh and others

..... Petitioners

versus

State of Punjab and another

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Vikas Singh, Advocate
for the petitioners

ANITA CHAUDHRY, J. (ORAL)

This is the second petition filed under Section 438 Cr.P.C.
seeking anticipatory bail in a complaint case.

Heard.

The petitioners had earlier approached this Court and
vide Annexure P-10 the petition was dismissed. The concluding
paragraph reads as under:-

*“The counsel was asked to refer to the MLR and show
when the complainant was admitted in the hospital. The
counsel contended that the copy of the MLR had not
been placed on file.*

*Both the Courts below had examined the case of the
petitioners and had rejected the prayer. The most
important document has been kept away from the Court.
The copy of the DDR has also not been filed. There are
allegations that injuries were inflicted under Section 326
IPC. Even the summoning order has not been placed on
file. The petitioners have delayed the complaint case by
filing repeated applications. No case for anticipatory bail
is made out.*

The petition is dismissed in limine.”

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The second petition has been filed on the ground that the documents have now been made available and the matter be heard again. The case had been adjourned on the last hearing to enable the petitioners to address on the on the maintainability of the petition. The second petition has been preferred as they have the documents now. Those documents were already in the notice of the petitioners. It is not a case of discovery of new documents. The petitioners can not approach the Court again. The second petition is maintainable only on the discovery of new facts or documents.

The petition is dismissed in limine.

October 29, 2015

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**(ANITA CHAUDHRY)
JUDGE**