

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Crl. Misc. No. M-22859 of 2016
Date of decision : 02.09.2016

Mohinder Singh & Ors.

... Petitioners

versus

State of Punjab & Anr.

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Rajesh Kapila, Advocate
for the petitioner.

ANITA CHAUDHRY, J.

This is the second petition filed by the petitioner for anticipatory bail in complaint case titled Binder Kaur Vs. Mohinder Singh etc.

Heard.

Learned counsel states that certain documents could not be produced earlier to support their contention that the complainant was habitual in making false complaints and they have been able to find some material, therefore, they have filed the petition again. He relies upon **Ganesh Raj Vs. State of Rajasthan & Ors. 2005(3) RCR(Crl.) 30.**

I have gone through the authority. The concluding para thereof reads as under:-

“25. *In the ultimate analysis, placing reliance on the ratio indicated in Kalyan Chandra Sarkar's case (supra), we hold that second or subsequent bail application under Section 438 Criminal Procedure Code can be filed if there is a change in the fact-situation or in*

law which requires the earlier view being interfered with or where the earlier finding has become obsolete. This is the limited area in which an accused who has been denied bail earlier, can move a subsequent application. Second or subsequent anticipatory bail application shall not be entertained on the ground of new circumstances, further developments, different considerations, some more details, new documents or illness of the accused. Under no circumstances the second or successive anticipatory bail application shall be entertained by the Section Judge(?)/ Additional Sessions Judge.”

The second and subsequent petition for anticipatory bail cannot be entertained on the ground of new discovery or new documents. The petition is dismissed being not maintainable. The petitioner should surrender before the trial Court within 10 days.

September 02, 2016
Jiten

(ANITA CHAUDHRY)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No