

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

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**CRM-M-19358 of 2021**

**Date of Decision: 02.08.2021**

Maninder Singh @ Bobby @ Maninder Singh Sidhu

Petitioner

Versus

State of Punjab

Respondent

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Navkiran Singh, Advocate for the petitioner.  
Ms. Monika Jalota, DAG, Punjab.

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**AVNEESH JHINGAN, J (Oral):**

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 24 dated 10.3.2021, under Sections 307 read with Section 34 IPC and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Lambran, District Jalandhar.

The FIR was at the instance of Harpreet Singh alias Ashu. It was stated that on 10.3.2021, the complainant along with Gaurav Kumar and Pamma were travelling in car bearing registration No. PB07-BH-9094. The complainant was driving the car. Near village Ali Chack, Maninder Singh @ Bobby (petitioner) along with Abhi and two other unidentified persons intercepted the car. The petitioner took out a pistol and with an intention to kill, started firing on the complainant. The complainant received injuries on right wrist, left flank of chest and right pelvis. The petitioner also fired upon Rahul which hit on the left side of his chest. The motive behind the incident was that there was enmity due to previous altercation with the complainant in Gymnasium.

Learned counsel for the petitioner contends that as per the

MLR, there are punctured wounds which cannot be result of bullet shots. He relies upon Modi's Text-Book of Medical Jurisprudence and Toxicology. The relevant portion is quoted below:

*“Punctured or Stab Wounds.-These are popularly called stabs and are termed penetrating wounds, when passing through the tissues, they enter a cavity of the body, such as the thorax or abdomen. These wounds are produced by a long piercing or 'stabbing instrument, such as a pin, needle, knife, scissors, bayonet, spear, dagger, pickaxe, and arrow. The point of the instrument may be sharp or blunt.”*

Learned counsel for the State opposes the grant of anticipatory bail. She relies upon the pleadings of the reply filed. She submits that injuries have been declared as grievous in nature. The contention is that complete MLR is not annexed by the petitioner. In the MLR, the nature of weapon causing the injuries has been mentioned as 'gun shot'. She further submits that after opinion of the doctor, Section 326 IPC was also added and custodial interrogation is required to recover the fire arm weapon used. She refutes the argument of learned counsel for the petitioner stating that bullet was recovered from the body of the complainant and the same has been sent to FSL. The submission is that the petitioner is involved in another case under Section 392 IPC.

Though the complainant is not impleaded as party, but Mr. B.D. Sharma, Advocate puts in appearance on behalf of the complainant. He opposes the prayer made by learned counsel for the petitioner for grant of pre-arrest bail. He submits that part of Chapter of Modi's Text-Book of Medical Jurisprudence and Toxicology has been produced, if the entire Chapter is read, it is mentioned that punctured wounds can be result of gun shot. He relies upon the portion quoted below:-

*“A punctured wound is produced either as a result of sharp-pointed weapon or by a bullet or a gunshot. In punctured wound, the depth is greater than the length of the wound but in case of a gunshot wound, the length of the wound is small and depth of wound is much larger. It is,*

*therefore, obvious that a gunshot may also produce a punctured wound. Ecchymosis is also found in punctured wound whether they are caused by gunshot or sharp-pointed weapon.”*

There are serious allegations against the petitioner. He intercepted the car and fired upon the complainant and his companion. Three fire arm injuries were inflicted to the complainant and one to Rahul. It would not be appropriate at this stage to delve upon the arguments raised by learned counsel for the petitioner regarding punctured wound, as it would affect the investigation and the trial. However, suffice to state that there is recovery of bullet from the body of the complainant. In the present case, recovery of weapon is to be made. If the petitioner is clothed with protection of pre-arrest bail, the investigation would be hampered.

No case is made out for pre-arrest bail.

The petition is dismissed.

However, nothing stated hereinabove shall be taken as an expression of opinion on the merits of the case.

**[AVNEESH JHINGAN]**  
**JUDGE**

**2<sup>nd</sup> August, 2021**  
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|-------------------------------|---|-----|
| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable         | : | Yes |