

CRM-M-18188-2026

2026:PHHC:052174



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**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

CRM-M-18188-2026

Udham Singh

....Petitioner

versus

State of Punjab

....Respondent

Date of Decision: April 06, 2026

Date of Uploading: April 06, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Amit Arora, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (Section 438 of Cr. P.C.) seeking grant of anticipatory bail to the petitioner, in case bearing FIR No.0505 dated 12.10.2025, registered for the offences punishable under Sections 109, 308(1), 308(2), 308(3), 308(4), 308(5), 308(6), 126(2), 132, 221, 3(5) of the BNS, 2023 (earlier Sections 307, 383, 384, 385, 386, 387, 388, 341, 353, 34 of IPC) and Sections 25, 27 of the Arms Act, 1959, at Police Station Goindwal Sahib, District Tarn Taran.

2. The gravamen of the FIR in question is that on the basis of secret information, the police started checking vehicles at T-Point Adipal.

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During the checking, a white-colored Swift car carrying two persons was observed approaching from the side of Bridge Dandia Wala. The ASI signaled the vehicle to stop; however, instead of complying, the driver attempted to flee by turning towards the T-point. In an apparent attempt to escape and out of fear of being apprehended, the driver lost control of the vehicle, which veered off the road into nearby bushes and became stuck. Thereupon, the ASI along with the police party immediately alighted from their vehicle and pursued the occupants. The person seated on the conductor side opened fire directly at the police party with the intention to kill. In self-defence, the ASI fired one warning shot in the air from his service pistol and another shot aimed at the legs of the accused. Meanwhile, SCT Karanjit Singh No. 1467/T.T. fired five warning shots from a government-issued weapon. In the meantime, the person seated on the driver side alighted from the vehicle and attempted to flee through the bushes towards the road; however, he was subsequently apprehended. The person seated on the conductor side also alighted from the vehicle and again fired directly at the ASI with his pistol. In response, the ASI fired four shots from his service pistol, one of which struck the said person on his right leg. Thereafter, the injured person took out a mobile phone from the right pocket of his jeans and threw it onto the ground before collapsing. The police party apprehended the injured individual along with the pistol. Upon inquiry, he disclosed his identity as Gursewak Singh @ Bomb. He further revealed that the driver who had fled was Udham Singh (*petitioner herein*).

3. Learned counsel for the petitioner has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner are concocted, improbable and devoid of any merit. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that the petitioner was not apprehended at the spot and was implicated on the basis of disclosure of co-accused, which is not admissible in law. Learned counsel has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, there is no allegation of firing shot(s) and causing any assault or injury to the police official. Learned counsel has iterated that from the perusal of the FIR in question, no offence of extortion is made out.

3.1. Learned counsel has asserted that the police have not conducted a fair and impartial investigation and the inquiry conducted so far is not only incomplete, but also tainted with bias. Learned counsel has further asserted that nothing is to be recovered from the petitioner. Moreover, the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. Learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. Learned State counsel has iterated that there are serious allegations against the petitioner. In case, the petitioner is granted concession of anticipatory bail, there is all likelihood that the petitioner may abscond from the process of justice as also interfere/ intimidate the

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prosecution evidence/ witnesses. On the strength of these submissions, dismissal of petition in hand is entreated for.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, the allegations against the petitioner are grave, serious and involve offences of a heinous nature. As per the prosecution case and upon perusal of the impugned order, it is borne out that the petitioner–Udham Singh was the driver of the vehicle which was deliberately attempted to be fled from lawful checking, thereby clearly indicating his conscious involvement in the commission of the offence. His act of trying to escape from the police party, leading to loss of control of the vehicle, reflects a guilty mind and an attempt to evade apprehension. Further, his co-accused opened fire upon the police party with an intention to kill, which establishes that the petitioner was acting in active concert with an armed accomplice, thereby attracting the principle of common intention. The offence involves use of a firearm against police officials performing official duty, which is extremely serious and has a direct bearing on public safety and law enforcement. It is further borne out that the petitioner absconded from the spot after the incident and was apprehended only subsequently, which clearly demonstrates his conduct of evasion.

6.1. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR.

7. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In *State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039*, the Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

8. In view of the seriousness of the allegations, the role attributed to the petitioner, this Court finds no compelling ground to extend the benefit

of discretionary relief to the petitioner. Moreover, considering the gravity of the offence and the manner in which the petitioner along with his co-accused opened fire at the police party, there is a strong likelihood that if granted the extraordinary relief of anticipatory bail, the petitioner may influence or intimidate the prosecution witnesses. Granting bail, at this stage, would not only undermine the administration of justice, but may also embolden the accused and pose a threat to the safety and well-being of the victim and other witnesses. The custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby **dismissed**.

9. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

April 06, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No