

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

204

**CRM-M-61114-2022
Date of decision: 13.02.2023**

Yasin

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jaspreet Singh Brar, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The present petition has been filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.278 dated 19.12.2022 under Sections 380 and 457 of the IPC registered at Police Station Partap Nagar, District Yamuna Nagar.

It was the case of the petitioner that there was no allegation against the him in the FIR in question and it was only on the basis of suspicion and on the statement made by one Jahangir, who was his neighbour that the petitioner was named as an accused in the case in hand on the allegations that he had broken open the adjoining shop and committed robbery.

Learned counsel for the petitioner submits that pursuant to order dated 30.12.2022, the petitioner had joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions from ASI Kuldeep Singh, does not dispute the factum of the petitioner having joined investigation. However, he submits that the petitioner had not fully

cooperated with the investigating agency as he had not satisfactorily answered all the question put to him.

I have heard learned counsel and perused the relevant material on record.

It would be apposite to observe here that every accused has right against self-incrimination as provided for under Article 20(3) of the Constitution of India. Therefore, merely because an accused has not confessed or has refused to answer questions in line with his alleged complicity, it would not amount to non-cooperation with the investigating agency.

In view of the above, the petition is allowed and interim order dated 30.12.2022, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

13.02.2023

(MANJARI NEHRU KAUL)

Vinay

JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No