

CRM-M-23943-2019

Date of Decision : 29.05.2019

Shubham Kashyap

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Aditya Jain, Advocate
for the petitioner.Mr. Amrik Narwal, DAG, Haryana
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

Mr. Amit Sharma, Advocate puts in appearance on behalf of the complainant and filed *vakalatnama* which is taken on record.

This order shall dispose off first regular bail application under Section 439 Cr.P.C in a case bearing FIR No.204 dated 14.03.2019 filed under Section 365 of the Indian Penal Code and Section 4 of the POCSO Act, 2012 (Sections 16 and 21 added later on) registered at Police Station Women, Ambala, District Ambala.

The present case was got registered by mother of a girl, then aged around 14 years, alleging that on 13.03.2019, around 07:30 PM, the victim had eloped from her home leading to the registration of the present case. It subsequently transpired that the principal accused/non-applicant-

Mangal Kashyap, who was in a relationship with the minor girl had enticed and taken her away. The allegations against the petitioner-Shubham Kashyap are that the hotel, where the couple had resided, was booked in his name.

Learned counsel for the petitioner has submitted that the petitioner is behind the bars for almost two months and that there is no specific role attributed to him in the commission of the offence.

On behalf of the State, the learned State counsel, on instructions from SI Devender Kaur, Police Station Women, Ambala has opposed the relief of bail on the grounds of seriousness of the crime.

The petitioner is behind the bars for almost two months and as is conceded at bar, by the learned State counsel that there is no tangible evidence against him, as on date, showing his involvement in the commission of the offences, thus, culpability, if any, shall be determined at the trial, this Court is of the opinion that it would serve no useful purpose to further detain the petitioner in custody. Accordingly, he is ordered to be released on regular bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate/Illaq Magistrate of the Court concerned.

The petition stands disposed off accordingly.

29.05.2019
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No