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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 3113/2025 & CRL.M.A. 24164/2025**

HIMANSHU VERMA

.....Petitioner

Through: Mr. Nishant Kumar Tyagi,
Advocate.

versus

STATE OF N C T OF DELHI & ANR.

.....Respondents

Through: Mr. Tarang Srivastava, APP with
SI Abhimanyu Tomar and SI
Vijaipal Singh, P.S. Karawal
Nagar.
Complainant through VC.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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20.02.2026

1. By way of this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant seeks anticipatory bail in connection with e-FIR No. 80069535/2025 dated 26.07.2025, registered at Police Station Karawal Nagar, District Crime Branch, New Delhi, under Section 305 of the Bharatiya Nyaya Sanhita, 2023 ["BNS"].
2. I have heard Mr. Nishant Kumar Tyagi, learned counsel for the applicant, Mr. Tarang Srivastava, learned Additional Public Prosecutor, and Mr. Harsh Arora, the original complainant, who appears in person.
3. The prosecution has filed a status report dated 19.08.2025, from which it appears that the FIR is based upon a complaint dated 26.06.2025 of Mr. Harsh Arora ["the complainant"]. A copy of the complaint has



been handed up in Court and is taken on record.

4. In the complaint, it is stated that the complainant deals in mobile phones on a commission basis. He is acquainted with the owner of another mobile shop, namely Shri Balaji Communication, and purchases mobile phones through Shri Balaji Communication on a commission basis. In June 2025, while reconciling his accounts, the complainant found six mobile phones missing. He was informed by the representative of Shri Balaji Communication that the six phones had been delivered to him, and that invoices for those phones were raised in his name. Details of the six phones, including IMEI numbers and e-SIM numbers, were also contained in the complaint. The complainant alleged that Shri Balaji Communication was showing delivery to him, but the phones had never been delivered.

5. Pursuant to the above, the e-FIR was registered one month later, on 26.07.2025.

6. The Status Report further reveals that, during preliminary enquiry, the smartphones were stated to have been delivered to the complainant through Shri Balaji Communication, and that the present applicant was the delivery associate/employee of Shri Balaji Communication. One of the six mobile phones [Apple iPhone 13 Pro Max having IMEI No. 354786253344259/354786252962424], was traced, through IMEI tracking and CDR analysis, to one Ms. Ankita. She claimed to have purchased the device from one Nitin, who in turn claimed that he had procured it from one Vikas Channa. Vikas Channa identified the applicant as the original source of the stolen devices. He also stated that the applicant had sold multiple mobile phones through him on the



assurance that invoices would be furnished later. However, Ankita, Nitin, and Vikas Channa all stated that they had returned the Apple iPhone 13 Pro Max referred to above to the person from whom they had procured it. On this basis, it is alleged that the applicant has stolen the devices and disposed of them illegally. Custodial interrogation of the applicant was sought to enable recovery of the stolen phones and to unearth the network of circulation.

7. By order dated 22.08.2025, the applicant was granted interim protection from coercive action, subject to him joining the investigation.

8. Mr. Srivastava states, upon instructions, that the applicant has joined investigation, but is not cooperating, inasmuch as the stolen phones have not been recovered. Mr. Srivastava also submits that there is electronic evidence in the form of WhatsApp communication between the applicant and Vikas Channa, which shows the applicant's involvement in the transaction.

9. The complainant is also present on video conference, pursuant to notice issued to him on 18.08.2025. He submits that his only concern is the recovery of the mobile phones for which he has invoices.

10. Having regard to the aforesaid facts, I am of the view that, at this stage, the *prima facie* material against the applicant is not sufficient to deprive him of his liberty, and this is an appropriate case for grant of anticipatory bail. The charge against the applicant is one of theft of six mobile phones, which he denies. The material against him consists of the statements of the individuals referred to above, but *prima facie*, there appears to be a three-step chain, allegedly linking him with the person from whom one device was recovered. The only ground for custodial



interrogation is recovery of the said mobile phones. However, cooperation in investigation does not extend to an obligation to make a self-incriminatory statement, as held by the Supreme Court in *Bijender v. State of Haryana* [SLP (Crl.) 1079/2024, decided on 06.03.2024], and in *Hemant Kumar v. State of Haryana* [SLP (Crl.) 232/2024, decided on 06.03.2024]. The status report also does not refer to any prior criminal antecedents.

11. The application is, therefore, allowed. It is directed that, in the event of arrest in connection with e-FIR No. 80069535/2025 dated 26.07.2025, registered at Police Station Karawal Nagar, District Crime Branch, New Delhi, under Section 305 of the BNS, the applicant will be released on bail, subject to furnishing of a personal bond in the sum of Rs.20,000/-, with one surety in the like amount, to the satisfaction of the concerned Investigating Officer [“IO”]/Station House Officer [“SHO”], and subject to the following further conditions:

- a. The applicant shall report to the IO as and when required, and will cooperate with the investigation in accordance with law.
- b. The applicant shall furnish his mobile number to the IO/SHO, and shall keep the said mobile phone operational and switched on at all times. The mobile number shall not be changed or switched off without prior intimation to the IO/SHO.
- c. The applicant shall provide his residential address to the IO/SHO, and shall not change his residential address without prior intimation to the IO/SHO.
- d. The applicant shall not contact the complainant or any other witnesses/potential witnesses. He shall not directly or indirectly,



make any inducement, threat, or promise to any person acquainted with the facts of the case, nor shall he tamper with the evidence or attempt to influence any witness in any manner whatsoever.

e. The applicant shall not involve himself in any criminal activity.

12. The application stands disposed of in the aforesaid terms.

13. It is clarified that the observations made in this order are solely for the purpose of adjudication of the present bail application, and shall not be construed as an expression of opinion on the merits of the case, nor shall they prejudice the rights and contentions of the parties at any stage of the proceedings.

PRATEEK JALAN, J

FEBRUARY 20, 2026

'Bhupi/KA'/'