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

+ **BAIL APPLN. 34/2026**

SURESH KUMAR @ SURESH VERMAPetitioner

Through: Mr. Shiv Kumar Gautam, Ms.
Niharika Kashyap, Mr. Rohit
Gupta, Advs.

versus

STATE OF GOVT. OF NCT OF DELHIRespondent

Through: Mr. Yudhvir Singh Chauhan, APP
for State
SI Bhupender Singh, PS Karol
Bagh

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **19.03.2026**

CRL.M.A. 6701/2026 (for early hearing)

This is an application seeking early hearing of the bail application.

For the reasons stated therein, the application is allowed, and the bail application is taken up for hearing.

BAIL APPLN. 34/2026

1. By way of the present application, the applicant seeks regular bail in connection with FIR No. 1153/2025 dated 25.09.2025, registered under Sections 318(4), 316(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, ["BNS"] at Police Station Karol Bagh, District Central, Delhi.
2. I have heard Mr. Shiv Kumar Gautam, learned counsel for the applicant, Mr. Yudhvir Singh Chauhan, learned Additional Public



Prosecutor, and Mr. Gaurav Pratap Singh, the complainant, who appears in person on video conferencing.

3. Mr. Chauhan has handed over the Status Report dated 31.01.2026, which is taken on record.

4. The prosecution case, as borne out from the complaint and the status report, is that the complainant was cheated by eight persons, including the present applicant. The complainant came into contact with the applicant through his friend Amit Kumar. He was informed that the applicant is associated with an entity, namely Trade Profit Fund [“TPF”], which allegedly invests money and provides returns to customers. On 18.08.2025, the complainant met the applicant and other co-accused, who allegedly represented that cash investments would yield returns of 1.5 times through Real-Time Gross Settlement [“RTGS”].

5. It is further alleged that on 19.08.2025, the complainant brought Rs. 2,00,00,000/- in cash to Building No. 2523, Vikas Plaza, Gali No. 8, Beadonpura, Karol Bagh, where he met the applicant and other co-accused. Thereafter, on the pretext that the amount would be processed for RTGS, co-accused Rahul took the cash to a purported godown. The complainant was not permitted to enter the said godown and was asked to wait outside. Rahul thereafter absconded with the cash, and no RTGS payment was ever made. Upon verification, it was discovered by the complainant and his friend that no such godown existed.

6. In the course of investigation, the mobile numbers of the accused persons were placed under surveillance, and CCTV footage from Vikas Plaza, Gali No. 8, Beadonpura, was examined. The footage shows that the complainant entered the premises with two bags and later exited with one



bag, while the other bag was carried away by co-accused Rahul towards Gali No. 6, Beadonpura. The footage also allegedly shows the presence of the applicant at or near the location. It is alleged that the CCTV footage was shown to the complainant, who identified the applicant amongst other co-accused.

7. The applicant was arrested from his residence on 08.10.2025 and was also remanded to two days' police custody.

8. The investigation has been completed and chargesheet has since been filed, *qua* the present applicant.

9. Mr. Gautam submits that the offences in the present case attract a maximum punishment of 7 years, the investigation is complete, and the chargesheet has been filed. He submits that the applicant works as a caretaker in the office of the co-accused at the above location, which explains his presence in the CCTV footage, and that there is no material to link the present applicant with the offences alleged. He further submits that no notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, was served upon the applicant, contrary to the order of the Supreme Court dated 15.01.2026 in *Satender Kumar Antil v. Central Bureau of Investigation and Another* [M.A. No. 2034/2022 in MA 1849/2021 in SLP(Crl.) 5191/2021].

10. *Per contra*, Mr. Chauhan and the complainant, who appears in person, submit that the applicant is visible in the CCTV footage in the vicinity of the office premises where the alleged incident took place. It is further submitted that there exists mobile connectivity between the applicant and the co-accused persons. Mr. Chauhan also submits that a message was recovered from the applicant's mobile phone, wherein the



address of the location was communicated to the complainant.

11. Although it is stated that the CCTV footage has been filed along with the chargesheet, the same has not been produced before this Court alongwith the chargesheet. Mr. Chauhan, however, has handed over a physical copy of the chargesheet, which contains three still photographs, one of which allegedly shows the applicant standing on the street at the location in question. It is submitted by Mr. Chauhan, on instructions from the Investigating Officer [“IO”], that the complainant is not visible in the said photograph. Upon a specific query by the Court, it is further clarified that even in the CCTV footage, the applicant and the complainant are not seen together at any point in time. The footage, however, indicates the presence of the applicant outside the premises, while the complainant and co-accused Rahul are seen entering and exiting the basement of the office, as noted above. There is, thus, no material to show any direct interaction or contact between the applicant and the complainant at the place of occurrence.

12. Having regard to the fact that the offences concerned carry a maximum punishment of seven years, and that the investigation stands completed with the chargesheet having been filed, I am of the view that the applicant need not be deprived of his liberty any further. The *prima facie* material against the applicant, as noted above, is limited to his presence at the location in question, which is admittedly the premises where he is working.

13. As regards the material collected during investigation, the status report indicates that certain WhatsApp messages relating to fraudulent schemes of TPF were found on the applicant’s mobile phone, and it is



also alleged that he had shared contact details of co-accused persons with the complainant. However, no specific material in this regard has been pointed out from the chargesheet placed before this Court.

14. As far as the applicant's antecedents are concerned, it is stated that the applicant is also an accused in FIR No. 800/2025 dated 07.06.2025, registered at P.S. Karol Bagh, District Central, Delhi, under Sections 318(4), 316(2), and 3(5) of the BNS. However, Mr. Gautam states that the applicant has neither been summoned nor issued any notice in connection with the aforesaid FIR. In any event, it is not always the case that other alleged criminal involvements must result in denial of bail to an accused. Reference, in this regard, may be made to the judgment of the Supreme Court in *Prabhakar Tiwari v. State of Uttar Pradesh and Anr.* [(2020) 11 SCC 648].

15. In these circumstances, it is directed that the applicant be released on regular bail in connection with FIR No. 1153/2025 dated 25.09.2025, registered under Sections 318(4), 316(2), 3(5) of the BNS at Police Station Karol Bagh, District Central, Delhi, subject to furnishing a personal bond in the sum of Rs. 30,000/- with one surety in the like amount, to the satisfaction of the Trial Court/Duty Metropolitan Magistrate, and subject to the further conditions:

- a. The applicant shall not leave the country without prior permission of the Trial Court;
- b. The applicant shall ordinarily reside at the address as per prison records, and shall not change the address without informing the concerned IO/Station House Officer ["SHO"]. The applicant shall intimate the IO, and file an affidavit before the Trial Court



regarding any change in residential address.

- c. The applicant shall provide his mobile number to the concerned IO/SHO, which shall be kept in working condition at all times. The mobile number shall not be switched off or changed without prior intimation to the IO during the pendency of the trial;
 - d. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
 - e. The applicant shall appear before the Trial Court on each and every date of hearing;
 - f. The applicant shall not commit any offence during the period of his release.
16. The bail application is disposed of in terms of the above.
17. It is clarified that any observations made in the present order are solely for the purpose of deciding the present bail application, and shall neither influence the trial proceedings, nor be construed as an expression of opinion on the merits of the case.
18. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.
19. The next date of hearing already fixed, i.e. 25.03.2026, stands cancelled.

PRATEEK JALAN, J

MARCH 19, 2026

Tg/JM/