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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 12.02.2026

+ BAIL APPLN. 4986/2025

UMESH KUMAR @ KANHAIYAPetitioner

Through: Mr. Hariom, Ms. Preeti, Mr. Ashu Gupta, Ms. Ruby, Advs.
versus

STATE OF NCT OF DELHI (THROUGH SHO) ..Respondent

Through: Mr. Manoj Pant, APP for State.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

DR. SWARANA KANTA SHARMA, J. (Oral)

1. By way of the present application, the applicant is seeking grant of regular bail in case arising out of FIR bearing no. 261/2024, registered at Police Station Lahori Gate, Delhi, for the commission of offences punishable under Sections 420/419/120B/201/34 of the Indian Penal Code, 1860 (hereafter 'IPC').

2. Briefly stated, the facts of the case are that on 30.04.2024, a complaint had been received wherein it was alleged that on 26.04.2024, the complainant, Mr. Anuj Bansal, had received a telephone call from mobile number 9811137547, stated to be registered in the name of Mr. Subhash Gupta, Ex-President, Kirana Market, Khari Baoli. During the said call, the caller had informed the complainant that a customer would be contacting him for the supply



of almonds and that the payment would be made subsequently. It was further alleged that thereafter, the complainant had received a call from an unknown mobile number 7078953248, wherein the caller had disclosed his name as Mr. Deepak Gupta and had informed the complainant that he would be placing an order for 240 bags of almonds. The said caller had also provided the vehicle number HR-69E-4992 for loading of the goods and had disclosed the name of his firm as Priya Enterprises, Dadon Road, Atrauli, Uttar Pradesh (U.P.). The complainant further alleged that on 26.04.2024 at about 5:30 PM, the aforesaid vehicle had reached his godown situated at Kundli, Delhi, where 240 bags of almonds had been loaded and dispatched *vide* Bill Nos. 162 and 163, both dated 26.04.2024, for a total amount of ₹35,53,680/-. It was further alleged that on 29.04.2024 at about 1:17 PM, the complainant had again received a telephone call from the said alleged Deepak Gupta, who had informed him that the quality of almonds was very good and that he required 200 additional bags of almonds. When the complainant had enquired about the payment of the earlier consignment amounting to approximately ₹35 lakhs, the said Deepak Gupta had assured him that the payment would be remitted shortly. It was further alleged that on the same day, i.e., 29.04.2024, the same transport vehicle had again reached the complainant's godown for taking delivery of the additional consignment. However, on account of suspicion, the complainant had contacted Mr. Subhash Gupta for confirmation of payment. To his shock, Mr. Subhash Gupta had informed him that he had never made any such telephone call to the complainant. Thereafter, the



complainant had attempted to contact the alleged Deepak Gupta, however, his mobile phone was found to be switched off. The complainant had also deputed a person to verify the existence of the firm of the alleged Deepak Gupta, which was found to be non-existent. Consequently, the complainant had approached the police, pursuant to which the present FIR came to be registered.

3. During the course of investigation, statements of the transporter Santosh Kumar and the driver of the truck, Tajammul, were recorded. The truck driver informed the police that on 26.04.2024, pursuant to the directions of the vehicle owner Santosh, he had transported the consignment of almonds and had reached Aligarh Bypass at about 10:30 AM, where one person namely Raju had met him. It was alleged that the said person Raju had taken delivery of the almond bags, which were thereafter shifted from the truck into Bolero pick-up vehicles. During investigation, the Call Detail Records (CDRs) of the alleged mobile number were obtained and the IMEI details of the mobile handset were also ascertained. On the basis of the ownership details, the alleged mobile number 7078953248 was found to be issued in the name of one Prempal, resident of Aligarh, Uttar Pradesh, whose statement was recorded. Prempal stated that he had not obtained the said SIM card in his name. He further stated that he had purchased another SIM card from a shop situated at Kasimpur, Aligarh. From the IMEI analysis, it was revealed that the mobile number 6396952227 was subsequently being used in the same mobile handset in which the alleged SIM card had



earlier been used. The CDRs and ownership details of mobile number 6396952227 were thereafter obtained, which revealed that the said number was issued in the name of Pankaj Sharma, resident of Aligarh, U.P. His statement was recorded, wherein he stated that the Vivo mobile phone in question had been handed over to him by one Tarun Sharma in March, 2024, when he had visited Tarun Sharma's house for repairing an air conditioner. The said mobile phone was taken into possession by the police *vide* a seizure memo. Thereafter, on 03.05.2024, a visit was conducted to Aligarh, U.P., for examination of the accused Tarun Sharma; however, he was not found at his residence and was found to be absconding. It was further noted that his mobile phone was switched off. Subsequently, the CDRs of accused Tarun Sharma were obtained and a raid was conducted at his native village in Bulandshahr, U.P., where one Ranjeet Sharma was apprehended. A notice under Section 41A of the Cr.P.C. was served upon him. Upon interrogation, Ranjeet Sharma disclosed that he was a partner of accused Tarun Sharma and that Tarun Sharma used SIM cards obtained on the identity documents of other persons for opening fake accounts on social media platforms such as Instagram and Facebook. He further stated that, as per the directions of Tarun Sharma, he used to collect SIM cards from a mobile shop situated at Kasimpur, Aligarh, owned by Rajkumar Sharma. It was further disclosed that Tarun Sharma used to pay ₹1,000/- per SIM card to the shop owner, out of which ₹500/- per SIM card was paid to him. Ranjeet Sharma further stated that he had procured about 10–15 SIM cards, including the alleged SIM card



7078953248, from Rajkumar Sharma and had handed over the same to Tarun Sharma. The mobile phone of Ranjeet Sharma was seized, from which chats and identity details of other persons relating to the issuance of SIM cards were recovered. He further admitted that Tarun Sharma used to pay him 30% of the total amount earned through misuse of such SIM cards and that he had received approximately ₹1–1.5 lakhs from Tarun Sharma.

4. During the further course of investigation, the mobile shop owner Rajkumar Sharma was interrogated and his statement was recorded. He stated that Tarun Sharma and Ranjeet Sharma used to visit his shop for procuring SIM cards and that he had received ₹1,000/- per SIM card from Tarun Sharma. He further stated that he had issued about 15–20 SIM cards to them. Thereafter, on 07.05.2024, a raid was conducted at Aligarh/Bulandshahr, U.P., pursuant to which a notice under Section 41A of the Cr.P.C. was served upon accused Tarun Sharma. During the said proceedings, a Vivo mobile phone, in which the SIM card allegedly used in the commission of the offence was found, was recovered. It was further revealed during investigation that the said mobile phone had later been handed over to Pankaj Sharma, an air-conditioner mechanic. Pankaj Sharma, in his statement, stated that he had used the alleged SIM card bearing number 7078953248 and had thereafter handed it over to his friend Akash. Akash was subsequently apprehended, and during his interrogation, he disclosed that he had received 6–7 SIM cards from Tarun Sharma and had further sold those SIM cards to



Deepak Sharma for ₹2,500/- per SIM card.

5. Upon further investigation, on 16.06.2024, on the basis of technical surveillance and secret information, co-accused Kunal and the present applicant Umesh were arrested. From their possession, six mobile phones along with an amount of ₹45,000/- were recovered. It was further disclosed by the accused persons that they had made telephone calls to the complainant by using call spoofing techniques and had placed an order for 240 bags of almonds worth about ₹35 lakhs by impersonating Mr. Subhash Gupta. It was further alleged that they had arranged the truck for loading the goods by using mobile numbers obtained on the identity documents of other persons and had made calls to the complainant for delivery of the goods. As per the prosecution, the present applicant had gone to Aligarh Bypass along with two Bolero pick-up vehicles and labourers for unloading the almond bags, which had been obtained from the complainant by impersonation. It was further disclosed that the applicant had paid ₹11,000/- to the drivers towards transportation charges. It was also stated that co-accused Kunal was present at some distance in a car at the time when the almond bags were being unloaded. It was further alleged that the almond bags were sold to Robby Garg and Ajay Singla. A Test Identification Parade (TIP) of the applicant was thereafter conducted, wherein he was correctly identified by the witnesses.

6. The learned counsel appearing for the applicant submits that the present applicant has been falsely implicated in the case and that



there is no incriminating material on record connecting him with the alleged offence. It is further contended that the applicant has been implicated solely on the basis of disclosure statements. It is also submitted that the chargesheet has already been filed in the present case and that the applicant continues to remain in judicial custody for about one year and six months. Despite this, no prosecution witness has been examined till date, and the trial is likely to take considerable time to conclude. On these grounds, it is prayed that the applicant be enlarged on bail.

7. The learned APP for the State, on the other hand, argues that the allegations against the applicant are serious in nature and pertain to a well-planned offence involving cheating and impersonation. It is submitted that the trial is at an initial stage and that material prosecution witnesses are yet to be examined. The learned APP further submits that the applicant was correctly identified in the TIP, which lends credence to the prosecution case at this stage. It is also contended that the applicant is involved in other cases of similar nature. On these grounds, it is prayed that the present application for bail be dismissed.

8. This Court has **heard** arguments addressed on behalf of the applicant as well as the State, and has pursued the case file.

9. A perusal of the material placed on record shows that the prosecution case revolves around an alleged scheme of cheating and impersonation, whereby the complainant was induced to deliver a large consignment of almonds by using mobile numbers obtained on



false identities and by impersonating a known trader. During investigation, it emerged that the SIM card used to contact the complainant was procured through a chain involving multiple persons, including mobile shop owners and intermediaries, who allegedly facilitated the issuance of SIM cards on the identity documents of other individuals. Call Detail Records and IMEI analysis disclosed that the same mobile handset was used with different SIM cards, enabling the perpetrators to conceal their identities while coordinating the offence. The investigation further revealed that the consignment of 240 bags of almonds was transported to Aligarh Bypass, where the goods were unloaded and shifted into other vehicles. Statements of the transporter and driver indicated that the goods were handed over at the said location to persons present there.

10. As per the prosecution, the present applicant was part of the group that reached the spot with two Bolero pick-up vehicles and labourers for unloading the almond bags and had facilitated the transportation by making payment to the drivers. It is further the case of the prosecution that the goods were thereafter disposed of through local buyers.

11. It is also the specific case of the prosecution that the applicant Umesh had used the SIM card bearing mobile number 7078953248 to make calls to the complainant for booking the consignment of 240 bags of almonds and had also used the said mobile number for arranging the transportation of the goods. It is further the case of the



prosecution that the SIM card bearing mobile number 9318450729 was being used by the present applicant, and the location data of the said mobile number was found to be at Aligarh Bypass on 27.04.2024.

12. This Court further notes that the applicant herein has been correctly identified during TIP by the witness. It is further noted that the applicant herein is also involved in two other cases of similar nature – being convicted in FIR no. 790/2015, P.S. Bharat Nagar, Delhi, for the commission offences under Sections 395/397/412/120B of the IPC, and being involved in FIR no. 524/2022, P.S. Lahori Gate, Delhi, for the commission offences under Sections 420/406/34 of the IPC. The CDR details also connect the present accused/applicant *prima-facie* with the alleged offence. The trial of the present case is at an initial stage and the material witnesses are yet to be examined.

13. Considering the facts and the circumstances discussed above, no ground for grant of regular bail is made out at this stage.

14. The present application is accordingly dismissed.

15. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

16. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J
FEBRUARY 12, 2026/vc
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