

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50689-2021

Reserved on: 11.10.2023

Pronounced on: 16.10.2023

State of Haryana

. . . . Petitioner

Vs.

Rishi Kant and another

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Vipul Sherwal, AAG, Haryana,
for the petitioner.

Mr. Karan, Advocate, for Mr. Surinder Singh, Advocate,
for respondent No.1.

Mr. Varun Issar, Advocate,
for respondent No.2-UIDAI.

DEEPAK GUPTA, J.

By way of this petition filed under Section 482 CrPC, petitioner-State of Haryana prays for issuance of a direction to respondent No.2-UIDAI (Unique Identification Authority of India) to provide certified copies of the record of Aadhaar Card No.9645-2479-3888 along with the original file to be exhibited before the trial Court in evidence, in case FIR No.71 dated 25.02.2019 registered at Police Station Sector 5, Panchkula, District Panchkula, under Sections 419/420/467/468/471/120/120-B IPC.

2. It is contended by ld. State counsel that necessary application Annexure P1 was moved before the ld. Sessions Judge, Panchkula for providing the requisite information pertaining to Aadhaar card of respondent No.1-Rishi Kant, as it was found during investigation that said respondent No.1 was having two Aadhaar cards bearing same number, on

the basis of different name, date of birth and addresses. However, the application was dismissed as withdrawn vide order dated 29.03.2019 (Annexure P3), as it was realized by the State under the bona fide error that it was wrongly moved there and in fact, the application was required to be moved before the High Court in view of Section 33 of the Aadhaar (Targeted Delivery of Financial and Other subsidies, Benefits and Services) Act, 2016, as amended in 2019 [for short 'the Act'].

3. Respondent No.2 in its short reply submitted that they can provide the information including the identity information or authentication record in pursuance to the order of this Court. In short, respondent No.2 did not oppose the petition, but simply sought direction of this Court.

4. Respondent No.1 did not file any separate reply and rather, submitted through his counsel that he adopted the reply as filed by respondent No.2.

5. Heard.

6. Section 33 of the Act reads as under: -

“33. Disclosure of information in Certain Cases- (1) Nothing contained in sub-section (2) or sub-section (5) of Section 28 or sub-section (2) of section 29 shall apply in respect of any disclosure of information, including identity information or authentication records, made pursuant to an order of a court not inferior to that of a Judge of a High Court:

Provided that no order by the Court under this sub-section shall be made without giving an opportunity of hearing to the Authority and the concerned Aadhaar number holder.

Provided further that the core biometric information shall not be disclosed under this sub-section.”

7. In the present case, prosecution wants to produce the evidence so as to link the chain of events, leading to the commission of the offence in case FIR No.71 dated 25.02.2019 registered at Police Station Sector 5,

Panchkula, District Panchkula, under Sections 419/420/467/468/471/120/120-B IPC. For that purpose, certified record pertaining to Aadhaar Card No.9645-2479-3888 along with original record to be produced by competent official, is required to be exhibited. Since the requisite record pertaining to Aadhaar Card No.9645-2479-3888 is required by the petitioner/State for the purpose of proving the offence against respondent No.1, therefore, present petition is allowed.

8. Respondent No.2 is hereby directed to provide the complete certified record pertaining to Aadhaar Card No.9645-2479-3888 to the petitioner. The original record can be summoned by the Court concerned through the competent official, for proving the certified record, if so, thought necessary by the Court concerned.

16.10.2023
Vivek

(DEEPAK GUPTA)
JUDGE

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |