

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-30751-2023 (O&M)
Date of decision : 25.09.2023**

Naresh Kumar

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Lakhwinder Singh Sidhu, Advocate for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.65 dated 20.05.2023, under Sections 420, 465, 468 & 471 of the Indian Penal Code, 1860, registered at Police Station City Budhlada, District Mansa.

(2) Above FIR was registered on the basis of letter dated 20.05.2023, addressed to the SHO, Police Station City, Budhlada with the allegations that petitioner and other suspects issued multiple SIM Cards with one face/photograph under various names & addresses. Also alleged that

Department of Telecom has developed an Software, namely, Artificial Intelligence AI and facial recognition powered solution for telecom SIM Subscriber Verification, known as ASTR, wherein, it was found that 11 mobile connections have been issued with same photograph, fraudulently while using fake names and tampering of addresses/identity documents by the PoS (Point of Sale) of petitioner in the month of 2019.

(3) The Coordinate Bench, vide order dated 16.06.2023, granted interim bail to petitioner and the same reads as under:-

“Learned counsel appearing on behalf of the petitioner, inter alia, contends that the photographs in question were inadvertently pasted even though the documents with respect to the identity of the persons to whom the SIM cards have been issued were duly appended. He contends that the error was only on account of negligence and failing to identify the respective consumer application form (CAF). He further contends that the petitioner is ready and willing to join investigation as and when required to do so.

On a pointed query, it has been informed that the SIM cards in question were issued to the residents of the locality and had not been given to any person who is indulging/indulged in criminal activity.

Notice of motion returnable for 25.09.2023.

In the meanwhile, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/ investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

- (4) Learned counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.
- (5) Learned State Counsel, on instructions from HC Satguru Singh, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.
- (6) In view of above, interim order dated 16.06.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (7) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (8) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (9) Disposed off accordingly.

September 25th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>