

In The High Court for the States of Punjab and Haryana
At Chandigarh

(I)	CRM-M-43379-2022 (O&M) Date of Decision:- 28.03.2023	
State of Haryana		... Petitioner
	Versus	
The Uidai and others		... Respondents
(II)	CRM-M-43381-2022 (O&M)	
State of Haryana		... Petitioner
	Versus	
The Uidai and others		... Respondents
(III)	CRM-M-43448-2022 (O&M)	
State of Haryana		... Petitioner
	Versus	
The Uidai and others		... Respondents
(IV)	CRM-M-43450-2022 (O&M)	
State of Haryana		... Petitioner
	Versus	
The Uidai and others		... Respondents
(V)	CRM-M-44523-2022 (O&M)	
State of Haryana		... Petitioner
	Versus	
The Uidai and others		... Respondents

CRM-M-44670-2022 (O&M)

... Petitioner

Versus

... Respondents

CRM-M-48127-2022 (O&M)

... Petitioner

Versus

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gurmeet Singh, AAG, Haryana.

Mr. Arvind Moudgil, Advocate, Senior Panel Counsel,
Government of India, with Ms. Sneha Bishnoi, Advocate,
for respondent No.1.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned seven petitions filed on behalf of the State of Haryana seeking directions to respondent No.1 to disclose information as regards the Aadhar Card numbers which had been furnished by accused/respondents involved in the following FIRs:

(i) FIR No.63 dated 24.01.2022 registered at Police Station Sector 32-33, Karnal under Sections 166, 218, 420, 467,

468, 471, 120B, 201 IPC; Section 12 of the Passport Act and Sections 7, 7A, 8, 13 of the Prevention of Corruption Act;

- (ii) FIR No.65 dated 26.01.2022 registered at Police Station Sector 32-33, Karnal under Sections 166, 218, 420, 467, 468, 471, 120B, 201 IPC; Section 12 of the Passport Act and Sections 7, 7A, 8, 13 of the Prevention of Corruption Act;
- (iii) FIR No.66 dated 27.01.2022 registered at Police Station Sector 32-33, Karnal under Sections 166, 218, 420, 467, 468, 471, 120B, 201 IPC; Section 12 of the Passport Act and Sections 7, 7A, 8, 13 of the Prevention of Corruption Act;
- (iv) FIR No.69 dated 28.01.2022 registered at Police Station Sector 32-33, Karnal under Sections 166, 218, 420, 467, 468, 471, 120B, 201 IPC; Section 12 of the Passport Act and Sections 7, 7A, 8, 13 of the Prevention of Corruption Act;
- (v) FIR No.70 dated 28.01.2022 registered at Police Station Sector 32-33, Karnal under Sections 166, 218, 420, 467, 468, 471, 120B, 201 IPC; Section 12 of the Passport Act and Sections 7, 7A, 8, 13 of the Prevention of Corruption Act;
- (vi) FIR No.71 dated 28.01.2022 registered at Police Station Sector 32-33, Karnal under Sections 166, 218, 420, 467, 468, 471, 120B, 201 IPC; Section 12 of the Passport Act and Sections 7, 7A, 8, 13 of the Prevention of Corruption Act;

(vii) FIR No.72 dated 28.01.2022 registered at Police Station Sector 32-33, Karnal under Sections 166, 218, 420, 467, 468, 471, 120B, 201 IPC; Section 12 of the Passport Act and Sections 7, 7A, 8, 13 of the Prevention of Corruption Act

2. The allegations as levelled in these FIRs are broadly to the effect that accused had got issued Passports by furnishing false information as regards their addresses. Since, the accused had furnished Aadhar Cards in support of their addresses, the police seeks verification in respect of said Aadhar Card numbers furnished by accused.
3. The Aadhaar (Targeted Delivery of Financial and Others Subsidies, Benefits and Services) Act 2016 (" Aadhaar Act) restricts the sharing of information procured from Aadhaar numbers holders, [Section 28(2) and (5); Section 29(2) and (4)] except as per the provisions of the Aadhaar Act or the Regulations framed thereunder. The only exception on the restriction on sharing of information is provided under Section 33 of the Aadhaar Act. As amended to the act has been issued vide "The Aadhaar & others Laws (Amendment) Act, 2019" No. 14 of 2019 dated 23rd July 2019 and notification issued there to on 25th July 2019. As per Section 33(1) of Aadhaar Act, 2016 and further amended by the Aadhaar (Amendment) Act 14 of 2019 as referred above, "Any disclosure of information (other than-core biometric information), including identity information or authentication records, be made pursuant to an order of a court not inferior to that of Judge of a High Court. Provided that no order by the Court under this sub

section shall be made without giving opportunity of hearing to Authority (UIDAI) and the concerned Aadhaar number holder".

4. When the matter was taken up on 20.3.2023 the following order was passed:

“.....

Learned State counsel has today furnished separate lists in respect of (i) FIR No.63 dated 24.01.2022 registered at Police Station Sector 32-33, Karnal under Sections 166, 218, 420, 467, 468, 471, 120B, 201 IPC; Section 12 of the Passport Act and Sections 7, 7A, 8, 13 of the Prevention of Corruption Act; (ii) FIR No.65 dated 26.01.2022 registered at Police Station Sector 32-33, Karnal under Sections 166, 218, 420, 467, 468, 471, 120B, 201 IPC; Section 12 of the Passport Act and Sections 7, 7A, 8, 13 of the Prevention of Corruption Act; (iii) FIR No.66 dated 27.01.2022 registered at Police Station Sector 32-33, Karnal under Sections 166, 218, 420, 467, 468, 471, 120B, 201 IPC; Section 12 of the Passport Act and Sections 7, 7A, 8, 13 of the Prevention of Corruption Act; (iv) FIR No.69 dated 28.01.2022 registered at Police Station Sector 32-33, Karnal under Sections 166, 218, 420, 467, 468, 471, 120B, 201 IPC; Section 12 of the Passport Act and Sections 7, 7A, 8, 13 of the Prevention of Corruption Act; (v) FIR No.70 dated 28.01.2022 registered at Police Station Sector 32-33, Karnal under Sections 166, 218, 420, 467, 468, 471, 120B, 201 IPC; Section 12 of the Passport Act and Sections 7, 7A, 8, 13 of the Prevention of Corruption Act; (vi) FIR No.71 dated 28.01.2022 registered at Police Station Sector 32-33, Karnal under Sections 166, 218, 420, 467, 468, 471, 120B, 201 IPC; Section 12 of the Passport Act and Sections 7, 7A, 8, 13 of the Prevention of Corruption Act; and (vii) FIR No.72 dated 28.01.2022 registered at Police Station Sector 32-33, Karnal under Sections 166, 218, 420, 467, 468, 471, 120B, 201 IPC; Section 12 of the Passport Act and Sections 7, 7A, 8, 13 of the

Prevention of Corruption Act, as regards the persons in respect of whom information pertaining to their Aadhar Card is sought.

Learned State counsel submits that at this stage limited information to the extent as to whether persons in the lists have actually been issued Aadhar cards having numbers mentioned against their respective names, may be furnished.

Learned counsel representing respondent No.1 requests for a short adjournment to furnish the requisite information in sealed cover.

In view of the aforesaid request, all the matters are adjourned to 28.03.2023.

A photocopy of this order be placed on the connected files.”

5. Pursuant to order dated 20.3.2023, learned counsel appearing on behalf of respondent No.1 has furnished a report in a sealed cover. The same has been opened and the information furnished in the said report is mainly to the effect that the Aadhar card numbers, in respect of which the information had been sought, either do not exist in the data-base or do not match with the particulars mentioned against them in the list furnished by the prosecution except for 2 such numbers.
6. Thus, this Court is of the opinion that the aforesaid information is vital for the prosecution to substantiate its case. As such, while retaining the original copy of report on record, a photocopy of the same is being furnished to learned State counsel/petitioner, for necessary information and to do the needful, as may be required. All the petitions, as such, are accepted accordingly.

7. Needless to mention, respondent No.1 shall furnish certified information as has been furnished to this Court, as and when required by investigating agency/trial Court in respect of aforesaid 7 cases.
8. A photocopy of this order be placed on the file of each connected case.

28.03.2023
Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No