

PRINCE KUMAR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Ms. Khushika Setia, Advocate for
Mr. S.P.S. Chakkal, Advocate, for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 438 Cr.P.C the petitioner is praying for anticipatory bail in the event of arrest in FIR detailed as under (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
217	17.10.2023	420, 465, 467, 468, 471 IPC	Machhiwara, District Khanna

2. Brief facts of the case put forth by the prosecution are that the petitioner fraudulently used the documents of subscriber and impersonated the subscriber to obtain multiple SIMs, using false documents having the same photograph but with different names and he fraudulently used the documents of the subscriber as genuine knowing it to be forged. On



complaint moved by Yashpreet Singh, inquiry was conducted and case was registered against the present petitioner with the allegations of cheating, forgery and tampering of documents.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is innocent and has been falsely implicated in this case. She submits that the petitioner has been working as authorized person at Point of Sale (POS) and has issued SIM cards in accordance with law. She submits that there is no complaint from the alleged customers and the petitioner has been falsely roped in the present case. She submits that petitioner had already joined investigation in pursuance to interim directions dated 08.04.2024 passed by this Court and hence, prayed for grant of anticipatory bail.

4. *Per contra*, learned State counsel referring to the reply submitted by the State and on instructions from Tarlochan Singh, Deputy Superintendent of Police, Samrala, Police District Khanna, District Ludhiana present in Court has contended that during course of investigation, it has been found that the petitioner had issued SIM cards to various fictitious persons using fabricated Aadhar cards of some persons by changing the photographs thereon and also on Customer Application Form (CAF). It is further submitted that although the petitioner had joined investigation but his custodial interrogation is required to unearth the scam in issuance of fictitious SIM cards to fictitious persons by tampering with the Aadhar cards etc. which is creating danger to the nation and also prompting cyber crime in the country, hence he prayed for dismissal of the bail petition.



5. After hearing the respective submissions and perusing the record, it transpires that admittedly the petitioner had been authorized Point of Sale (POS) for JIO Company. During investigation, it was found that petitioner had issued various SIM cards to fictitious persons using fabricated Aadhar cards of some persons by changing the photographs thereon and also on Customer Application Form (CAF). The police has recorded statements of those persons whose Aadhar cards have been misused and fabricated by the petitioner for getting the SIM cards issued in the name of fictitious persons. These persons having Aadhar card in their names have categorically stated that they have never applied for mobile connections nor they were using the same. The statements of these persons namely Veena, Gurmeet Singh, Sonia, Pargat Singh etc have been annexed with the reply submitted by the State. The perusal of CAF annexed with the reply would reveal that these numbers have been issued consequent upon the declaration given by the petitioner as (POS) that he had seen the customer and also captured their photograph and also seen the original documents whereas in fact it is evident from the documents collected during course of investigation that he had affixed the photograph of fictitious persons on the CAF and also tampered with the Aadhar cards of innocent persons by affixing the photographs thereof, for the purpose of issuance of SIM cards. Such an act on the part of the petitioner in issuing SIM card on fictitious numbers, certainly endanger the national security as such SIM cards can be misused by anti social elements and also in cyber crime. In these circumstances, custodial interrogation of the petitioner is required to unearth the *modus operandi*



adopted in issuance of such SIM cards to such fictitious persons by tampering and fabricating the Aadhar card of innocent persons who never applied for any mobile connections.

6. Therefore, considering the facts and circumstances of the present case and the nature and gravity of the offence, no case is made out in favour of the petitioner for grant of anticipatory bail. Accordingly, finding no merit in the present petition, the same is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

21.05.2024
Gyan

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No