

SUMIT NANDWANI V/S STATE OF HARYANA

Present: Mr. Vikas Arora, Advocate  
for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

Mr. Sandeep Lather, Advocate  
for the complainant.

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FIR No.	Dated	Police Station	Sections
36	16.12.2023	Cyber Crime, Hisar, District Hisar	420, 201, 120-B IPC

1. The petitioner, a permanent resident of Madhya Pradesh, confined in Central Jail, Hisar, Haryana, on the allegations of facilitating cyber-crime by activating and supplying SIM numbers to co-accused involved in defrauding the complainant, has come up before this Court under Section 439 CrPC seeking regular bail.

2. Considering the implications of the order the Court is poised to issue, it is appropriate to understand the severity of the offense. The allegations made in the complaint and the investigation conducted so far is mentioned in the reply dated 15 May 2024, filed by Dr. Rajesh Mohan, IPS, Assistant Superintendent of Police, Hisar, Haryana, the relevant portion of which reads as follows:

*"2. That the brief facts of the case are that one application was received on 30.08.2023 on the NCCRP Portal. Accordingly, statement of Rakesh was recorded who revealed that on 27.08.2023, he got a message on WhatsApp from No. 7085578438 on his WhatsApp No. 99915xxxxx stating to earn money while sitting at home. Accordingly, he had a chat with subscriber on that number. He asked him to create a telegram account. Following his instructions, he created his telegram account in the name of @rakesh\_sheokand. Thereafter, the said person sent a link kiwi-airfare-site.com on his telegram account. He clicked that link and the site got opened and he entered his mobile No. 99915xxxxx and got himself registered. The site asked him to complete the task and joined him in the Kiwi group 710. Almost 28 persons were members of this group. The name of the owner of the telegram was @ Mah\_verma15. On 28.07.2023, they asked him to transfer Rs.10,000/- and accordingly he transferred Rs.10,000/- from his account No. 661601700XXX of ICICI Bank in the account No. 724705500132 of ICICI Bank. Thereafter, the accused transferred Rs.10,900/- and bonus of Rs.6800/- in his account. In the initial transaction, they repaid the amount to the complainant and therefore, he reposed faith in them. Subsequently, they asked him to deposit almost Rs.8,09,469/- by different transactions, but did not return the same to him. He kept on calling the mobile numbers, but did not get*

any answer. Thereafter, he realized that he had been defrauded. With these allegations, he prayed to take legal action against the culprits. On this the case FIR No. 36 dated 16.12.2023 under sections 420 IPC was registered at Police Station Cyber Crime, Hisar.

3. That, investigation of the case was carried out by ASI Narender Kumar No. 160/Jind. During the course of investigation account numbers 661601700756, 724705500132, 236905500531, 51001513584 of ICICI bank statement and registered mobile numbers in abovementioned accounts details were possessed by the investigating officer vide separate recovery memo. In furtherance of the course of investigation account numbers 65259519937, 41978506746, 31124706662, 33644160446 of SBI statement and registered mobile numbers in the account details were possessed by the investigating officer vide separate recovery memo. Kotak Mahindra Bank account number 8447184043 detail was also taken into possession via mail by the investigating officer. In furtherance of the investigation of the case telegram user details i.e. @Mah\_verma15 was also taken from the telegram mail ID abuse-in@telegram.org to shocyberhsr.pol@hry.gov. and from the above record it has been found that mobile number was used in these ID's and telegram was +917024771707 and address used in the above mention ID belongs to Taiwan. In furtherance of the course of investigation CAFF ID's of mobile numbers 7024771707 and 8085981505 were also possessed by the investigating officer and from the same it has been found that the above mentioned numbers was issued by the present petitioner namely Sumit Nandwani as POS agent from his mobile number 8269997777. It has been also found that mobile numbers 8085981505, 7024771707; whose were used in the offence and same were used in the mobile of IMEI No. 359916108074180 and 351261012698750 on dated 18.07.2023 and 22.07.2023. Further it has been found that the abovementioned mobile numbers connected with mobile number 7089333888 and same was issued in the name of present petitioner namely Sumit Nandwani. On the basis of documentary evidence present petitioner namely Sumit Nandwani was arrested on 23.01.2024 and he suffered his disclosure statement in which he revealed that mobile numbers 8085981505 and 7024771707 were registered in the name of Anil Manjhi and Shivam Kewat after registration and activation, he provided blank SIMs and retained the activated numbers and thereafter the said numbers were used to operate the telegram/WhatsApp. In furtherance of his disclosure statement he got recovered two keypad mobiles and from them in one mobile phone mobile numbers 8059881505 and 7024771707 was used. He also got recovered realme C 25 s. In the same it has been found that WhatsApp number 9522110743 was used and from this number he sent mobile numbers 8059881505 and 7024771707 to 8882863343. Screen shot of the same was taken by the investigating officer and taken into possession vide separate recovery memo. Copy of the same is annexed herewith as Annexure R-1. He also got recovered Rs.20,000/- cash who received as commission on pretext of OTP. True translated copy of disclosure statement of present petitioner is annexed herewith as Annexure R-2.

4. That, during the course of investigation Anil Manjhi (8059881505) and Shivam Kewat (7024771707) were joined in the investigation and they stated that present petitioner gave them blank SIMs. On which section 201 IPC was invoked in this case. Mobile realme c 25 s was sent to CFSL for his examination and report of the same is awaited.

5. That, during the course of investigation it has been found that defrauded amount was credited in ICICI account number 236905500531 and in the same mobile number 9174488421 was registered in this account number. The aforementioned number was used in IMEI No. 352336083474530 between 29.08.2023 to 30.08.2023. In furtherance of the investigation of the case it has been found that one another mobile number 9650474623 was also used in the above said IMEI number mobile. The above said number was issued on Kuswa's ID.

6. That on dated 11.03.2024, Kuswa was joined in the investigation and during the course of investigation he was interrogated by the investigating officer and he stated that from him the above said mobile was taken by Noor Mohammad on 27.08.2023 and on the above statement co-accused Noor Mohammad, Mukesh Mishra and Dil Bahadur @ Pawan were arrested in this case. They suffered their confessional disclosure statement during their interrogation. Co-accused Noor Mohammad got recovered one mobile phone MI and two cheque books of RBL bank and FINCARE bank and Rs. 10,000/- cash. Co-accused Mukesh Mishra got recovered one mobile phone and Rs.15,000/- cash. Co-accused Dil Bahadur got recovered Rs.15,000/- cash. Section 120B IPC was invoked in this case.

7. That, during the course of investigation details of mobile number 8882863343 was taken by the investigating officer and from these details it has been found that the aforementioned mobile number was used by the Parshant Kumar. On dated 21.03.2024, co-accused Parshant was joined in the investigation and he suffered his confessional disclosure statement in which he stated he received telegram and WhatsApp OTP from the present petitioner namely Sumit Nandwani and on pretext of this he gave money to the present petitioner. Further he stated that Jai Kumar was also involved with him and co-accused Jai Kumar was also arrested in this case. In furtherance of his disclosure statement co-accused Parshant got recovered one mobile in which he used 8882863343 mobile number and cash Rs. 15,000/-. Co-accused Jai Kumar got recorded his confessional disclosure statement and in furtherance of the same he got recovered Rs. 12,000/- cash.

8. That, thereafter completing the investigation against present petitioner namely Sumit Nandwani and co-accused Dil Bhadur @ Pawan, Mukesh Mishra, Noor Mohammad investigation report was prepared on dated 18.03.2024 under section 420, 120B and 201 IPC and same was submitted in the learned trial court on dated 19.03.2024. It is submitted that vide order dated 04.05.2024 charge has been framed by the learned trial court and the case is fixed on 17.05.2024 for prosecution evidence.

*In this case 21 prosecution witnesses were cited by the investigating officer and no one witness has been examined yet. It is further submitted that investigation is pending in this case yet because Farhan Ansari and others arrest is pending. Copy of custody certificate of the present petitioner is annexed herewith as Annexure R-3.*

*9. That, present petitioner namely Sumit Nandwani was the person who activated mobile numbers 8085981505 and 7024771707 being POS agent in the name of Anil Manjhi and Shivam Khewat and thereafter, he provided blank SIMs to the abovesaid subscribers and sold the activated numbers to the other accused who used the same to create the telegram account and commit fraud with the complainant like persons. During investigation, the investigating officer discovered that co-accused Noor Mohammad, Dil Bahadur and Mukesh Mishra were involved in the conspiracy and thus invoked section 120B IPC. It is further submitted that online fraud havoc in the society. Everyday innocent persons were falling in such type of trap.”*

3. On 09.05.2024, after hearing counsel for the petitioner for a considerable time, a response was sought from the State. On 16.05.2024, the State filed a reply, and the matter was adjourned to 23.05.2024. On 23.05.2024, when the matter was heard at length, this Court passed the following order: -

“Considering the nature of allegations which are of cybercrime, it is important to find out about the petitioner’s criminal history and how many mobile phone connections he had used till date.

Given above, let the concerned DySP to depute some official and get information of all SIM cards which were issued in the name of the petitioner and whether those connections are active or are disconnected. The officials of Telecom Service Providers i.e. Airtel, BSNL, Reliance-Jio and Vodafone-Idea (VI) to cooperate and to hand over all such information to the concerned police official.

It is further clarified that the concerned DySP to hand over the said list of all such mobile connections/numbers which had been obtained as well as, that are being issued in the name of petitioner, positively by the next date of hearing.

List on 29.05.2024.”

4. Today, the State's counsel has filed an affidavit dated 28.05.2024 of Dr. Rajesh Mohan, IPS, Assistant Superintendent of Police Hisar, in which a startling fact has been brought to the notice of this Court. The Investigator has brought to the notice of this Court that the petitioner had obtained thirty-five pre-paid SIM cards in his name. The list of those numbers is as follows: -

Vodafone Idea Subscriber Details											
Aadhar Report 428645389872 POI Report 13-May-2024 05:06:16 PM											
Sr. no.	Document type	Document number	MSISDN number	Circle	Type of Connection	Connection status	Date of Activation	Date of Deactivation	Name of current or last subscriber	Address of subscriber	
1	AADHAR CARD	428645389872	8359007444	MP	PREPAID	DEACTIVE	01-NOV-2017	18-MAY-2018	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR –	

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										SATNA MP- 485001
2	UID-AADHAR CARD	428645389872	8719968046	MP	PREPAID	DEACTIVE	05-AUG-2019	14-OCT-2020	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR - SATNA MP- 485001
3	UID-AADHAR CARD	428645389872	8965826347	MP	PREPAID	DEACTIVE	07-AUG-2019	09-NOV-2022	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR - SATNA MP- 485001
	UID-AADHAR CARD	428645389872	8965826347	MP	PREPAID	ACTIVE	07-AUG-2019	-	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR - SATNA MP- 485001
4	UID-AADHAR CARD	428645389872	8720020241	MP	PREPAID	DEACTIVE	07-AUG-2019	14-OCT-2020	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR - SATNA MP- 485001
5	UID-AADHAR CARD	428645389872	8889009633	MP	PREPAID	DEACTIVE	09-AUG-2019	14-OCT-2020	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR - SATNA MP- 485001
6	UID-AADHAR CARD	428645389872	8718994133	MP	PREPAID	DEACTIVE	09-AUG-2019	14-OCT-2020	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR - SATNA MP- 485001
7	AADHAR CARD	428645389872	9522501272	MP	PREPAID	DEACTIVE	09-FEB-2018	25-JUN-2018	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR - SATNA MP- 485001
8	AADHAR CARD	428645389872	7097215555	MP	PREPAID	DEACTIVE	11-JUN-2019	01-APR-2022	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR - SATNA MP- 485001
9	AADHAR CARD	428645389872	8891234564	MP	PREPAID	DEACTIVE	14-FEB-2018	04-AUG-2018	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR - SATNA MP- 485001
10	AADHAR CARD	428645389872	6262621420	MP	PREPAID	DEACTIVE	16-JAN-2021	28-FEB-2022	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR - SATNA MP- 485001
11	UID-AADHAR CARD	428645389872	8574302563	MP	PREPAID	ACTIVE	18-AUG-2019	-	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR - SATNA MP- 485001
	UID-AADHAR CARD	428645389872	8574302563	MP	PREPAID	DEACTIVE	18-AUG-2019	26-MAY-22	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL

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										HOUSE PANJABI MOHALLA RAGHURAJNAGAR - SATNA MP- 485001
12	UID-AADHAR CARD	428645389872	8574302565	MP	PREPAID	ACTIVE	18-AUG-2019	-	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR - SATNA MP- 485001
	UID-AADHAR CARD	428645389872	8574302565	MP	PREPAID	DEACTIVE	18-AUG-2019	26-MAY-2022	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR - SATNA MP- 485001
13	AADHAR CARD	428645389872	7697690238	MP	PREPAID	DEACTIVE	20-JAN-2022	08-NOV-2022	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR - SATNA MP- 485001
	AADHAR CARD	428645389872	7697690238	MP	PREPAID	ACTIVE	20-JAN-2022	-	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR - SATNA MP- 485001
14	UID-AADHAR CARD	428645389872	7354379999	MP	PREPAID	DEACTIVE	23-NOV-2023	17-FEB-2024	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR - SATNA MP- 485001
	UID-AADHAR CARD	428645389872	7354379999	MP	PREPAID	ACTIVE	23-NOV-2023	-	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR - SATNA MP- 485001
15	UID-AADHAR CARD	428645389872	7089439999	MP	PREPAID	ACTIVE	24-NOV-2023	-	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR - SATNA MP- 485001
16	AADHAR CARD	428645389872	8198919191	MP	PREPAID	DEACTIVE	26-OCT-2017	04-AUG-2018	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR - SATNA MP- 485001
17	AADHAR CARD	428645389872	8603420420	MP	PREPAID	DEACTIVE	26-OCT-2017	07-FEB-2018	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR - SATNA MP- 485001
18	AADHAR CARD	428645389872	7582989898	MP	PREPAID	DEACTIVE	28-FEB-2018	04-JUL-2018	CO. SAI SHRADHA MENS OUTFIT	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR - SATNA MP- 485001
19	AADHAR CARD	428645389872	7509838383	MP	POSTPAID	DEACTIVE	28-FEB-2018	04-JUL-2018	CO. SAI SHRADHA MENS OUTFIT	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR - SATNA MP- 485001

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										AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR – SATNA MP- 485001	
20	AADHAR CARD	428645389872	7582979797	MP	POSTPAID	DEACTIVE	28-FEB-2018	04-JUL-2018	CO. SAI SHRADHA MENS OUTFIT	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR – SATNA MP- 485001	
21	AADHAR CARD	428645389872	7509848484	MP	POSTPAID	DEACTIVE	28-FEB-2018	04-JUL-2018	CO. SAI SHRADHA MENS OUTFIT	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR – SATNA MP- 485001	
22	AADHAR CARD	428645389872	7693049371	MP	PREPAID	ACTIVE	28-JAN-2022	-	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR – SATNA MP- 485001	
23	AADHAR CARD	428645389872	7693049371	MP	PREPAID	DEACTIVE	28-JAN-2022	04-APR-2023	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR – SATNA MP- 485001	
24	AADHAR CARD	428645389872	9516039591	MP	PREPAID	ACTIVE	28-JAN-2022	-	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR – SATNA MP- 485001	
	AADHAR CARD	428645389872	9516039591	MP	PREPAID	DEACTIVE	28-JAN-2022	24-AUG-2022	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAM LAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR – SATNA MP- 485001	
25	DRIVING LICENCE	MP19N20120200960	9479471155	MP	PREPAID	ACTIVE	17-FEB-2022	-	SUMIT KUMAR NANDWANI	00- PUNJABI COLONY – DALI BABA SATNA – BAIRIHA 485001 – MP- INDIA	
26	DRIVING LICENCE	MP19N20120200960	7089333888	MP	PREPAID	ACTIVE	17-FEB-2022	-	SUMIT KUMAR NANDWANI	00- PUNJABI COLONY – DALI BABA SATNA – BAIRIHA 485001 – MP- INDIA	

JIO SUBSCRIBER DETAILS

Ticket number: LEA00000000000017499833

Total records: 4

Report generated at: 2024-05-13 20:56:52

Sr. no.	Document type	Document number	MSISDN number	Circle	Type of Connection	Phone number	Date of Activation	Date of Deactivation	Name of current last subscriber	Address of subscriber
1	AADHAR CARD	428645389872	8770503758	MP	PREPAID	9300000023	1-10-2016	-	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAMLAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR SATNA MP- 485001
2	AADHAR CARD	428645389872	8770058678	MP	PREPAID	8878887787	24-9-2016	-	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAMLAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR SATNA MP- 485001
	AADHAR CARD	428645389872	8770047184	MP	PREPAID	8878887787	24-9-2016	-	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAMLAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR SATNA MP- 485001
	AADHAR CARD	428645389872	8770043992	MP	PREPAID	8878887787	24-9-2016	-	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAMLAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR SATNA MP- 485001

**AIRTEL SUBSCRIBER DETAILS**

Sr. no.	Document type	Document number	CAF Serial No.	Circle	Type of Connection	Phone number	Date of Activation	Date of Deactivation	Name of current last subscriber	Address of subscriber
1	AADHAR CARD	428645389872	MPH0V3LNRO	MP	PREPAID	8878887787	8-7-2023	-	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAMLAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR SATNA MP- 485001
2	AADHAR CARD	428645389872	MPN04Z2UPB	MP	PREPAID	7582909090	5-12-2023	-	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAMLAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR SATNA MP- 485001
3	AADHAR CARD	428645389872	MPN046E5P0	MP	PREPAID	8376848484	2-9-2023	-	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAMLAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR SATNA MP- 485001
4	AADHAR CARD	428645389872	MPN04PHSIF	MP	PREPAID	7566818181	4-11-2023	-	SUMIT KUMAR NANDWANI	232 WARD NO 38 INFRONT OF SHYAMLAL AGRAWAL HOUSE PANJABI MOHALLA RAGHURAJNAGAR SATNA MP- 485001

5. Upon perusal of the affidavit, concerns arise regarding the petitioner’s acquisition of a significant quantity of pre-paid SIM numbers and the techniques the petitioner had deployed by taking advantages from the vulnerabilities emerging from the unrestricted issuance of multiple SIM numbers. It prompts scrutiny as to why there is absence of Governmental measures restricting individuals to a single pre-paid SIM card, and the rationale behind permitting the



issuance of prepaid SIM cards to entities such as firms, associations, organizations and companies.

6. In India, citizens contend with the pervasive threat of cybercrime, leading to a heightened sense of vigilance and caution. This apprehension has led majority of people to refrain from answering calls from unfamiliar numbers, even when such communication may be necessary. The prevailing fear extends to the use of Internet and mobile banking services, as individuals seek to safeguard themselves against potential cyber fraud. Consequently, this apprehension poses challenges as individuals strive to keep pace with the rapid advancements in technology and global connectivity. Complicating matters further is the reality that proficiency in technical knowledge or academic attainment does not necessarily confer immunity against cyber threats, as cybercriminals often possess superior skills and tactics. Moreover, cyber-crime being a faceless borderless activity with multiple jurisdictional challenges, and the dearth of adequately trained and skilled investigators exacerbates the situation, emboldening these adept predators to exploit any opportunity for financial gain through extortion, manipulation, or thuggee.

7. Additionally, cybercriminal activities have led to a global tarnishing of India's reputation, particularly through fraudulent operations conducted from Indian soil, targeting people overseas. These encompass a range of scams such as counterfeit tech support services, fraudulent Amazon and gift card schemes, insurance fraud, courier frauds, and the unlawful conversion of cyber proceeds into cryptocurrencies like Bitcoin. Notably, a considerable proportion of these illicit endeavours are orchestrated via mobile devices. Following the exploitation of a certain number of victims, perpetrators routinely discard or deactivate their SIM cards, acquiring new ones to perpetuate their nefarious deeds. Disturbingly, reports suggest that these actors obtain prepaid SIM cards under not only their own identities but also those of unwitting individuals, often through deceitful means or even by remunerating for SIM card usage. Consequently, innocent individuals whose identities have been impersonated for obtaining these prepaid SIM cards frequently find themselves implicated as primary suspects. These innocent individuals, largely oblivious to their involvement, are confronted with accusations of complicity in financial crimes, notwithstanding their lack of activity associated with the phone numbers registered under their names. This dual predicament presents a considerable challenge whereby victims suffer financial losses while innocent parties endure unwarranted scrutiny and suspicion due to the unauthorized registration of SIM cards in their names.

8. As per the report attached to the reply affidavit filed by the Assistant Superintendent of Police, thirty-five SIM cards were issued in the petitioner's name, out of which 12 SIM cards are still active. Issuance of massive number of SIM cards to the petitioner is a matter of record and

the data does not lie. The Additional Advocate General, State of Haryana, contended that the possibility of the petitioner using SIM cards obtained in the names of other persons is also massive.

9. Why does the Ministry of Telecommunication permit individuals, firms, or companies to acquire multiple prepaid SIM cards under their name? Given the Aadhar Card is exclusively linked to a single SIM card for OTP generation, there seems to be no justification for the issuance of multiple prepaid SIM cards. Concerning the use of mobile phones by minors, their parents and caretakers can be given an option to obtain prepaid SIM cards associated with their Aadhar Cards, acting as legal guardians. Similarly, foreign nationals should be entitled to acquire a single prepaid SIM card, contingent upon the verification and validation of their passports through OTP. Those individuals seeking additional SIM cards can always opt for post-paid numbers, provided they undergo verification procedures as well. Any misuse of these services should result in temporary disconnection.

10. Firms, companies, and organizations should be prohibited from retaining prepaid SIM cards; instead, they should be permitted to acquire postpaid numbers. The Central Government has the authority to limit individuals traveling to India to only one prepaid Indian SIM card linked with either a Passport or Aadhar card, while unrestricted post-paid numbers remain available. Typically, the individual whose name or number is associated with post-paid services settles the bill through digital wallets, net banking, or credit cards, creating a financial trail that connects them to the phone number usage.

11. According to reports, cybercrime predominantly takes place through prepaid SIM cards rather than post-paid SIM cards or landlines. As the executive has largely been unsuccessful in curbing the escalating threat of cybercrime, one potential immediate solution could involve limiting the maximum number of prepaid SIM cards per individual. Furthermore, these prepaid SIM cards could be programmed to automatically disconnect upon the individual's death being recorded in official records.

12. Should the Central Government impose limitations on the possession of multiple prepaid SIM cards, such a restriction would not inherently infringe upon any fundamental or statutory rights. This assertion is bolstered by the fact that individuals retain the option to acquire post-paid SIM cards and landlines, which are issued by companies only following thorough verification procedures.

13. Restricting pre-paid SIM cards to one per individual is likely to significantly mitigate cybercrime. Therefore, if the Ministry of Telecommunication, Government of India, implements such a restriction, it could effectively curb cybercrime incidents, consequently reducing financial fraud and the exploitation of individuals and their assets, and India's image. To address the issue

of multiple SIM cards, the Ministry of Telecommunication could provide a window for telecom service providers to validate a single SIM card linked to an Aadhar card. Furthermore, SIM card holders could be given the option to convert this validated SIM card into a post-paid one, with a directive for service providers to disconnect all other prepaid SIM cards by a specified deadline.

14. To address the issue of call routing via international cellular networks and the internet, proactive measures involving default blocking of incoming calls bearing international country calling codes, with an opt-in provision available at the subscriber's discretion. This strategy guarantees that subscribers exclusively receive calls pertinent to their geographical context. For instance, individuals devoid of overseas acquaintances or relations may question the necessity of receiving calls originating from international codes featuring prefixes such as +91 or +00. Conversely, subscribers who have travelled internationally or maintain connections abroad retain the flexibility to activate incoming calls from specific countries.

15. Even the Hon'ble Supreme Court was conscious of the importance of one mobile number and the same is reflected in *Vernon v. The State of Maharashtra*, 2023 INSC 655, [para 45], wherein while granting bail under Unlawful Activities (Prevention) Act, 2002, Supreme Court had directed imposition of the following condition, "(d) Both the appellants shall use only one Mobile Phone each, during the time they remain on bail and shall inform the Investigating Officer of the NIA, their respective mobile numbers."

16. Given the magnitude of cyber-crime and its propensity, it is appropriate that the Union of India is arraigned as respondent No.2. As such, the Union of India, Ministry of Telecommunication, Government of India through Secretary is added as party respondent No.2 in the petition. Registry to make necessary additions in the memo of parties.

17. Mr. Satya Pal Jain, Additional Solicitor General of India (through V.C.), assisted by Ms. Meghna Malik, Senior Panel Counsel of Union of India has put in appearance through Video Conference. State as well as the Registry to supply complete record of file to the assisting counsel during the course of day and seeks time to get instructions.

18. Given this, let the concerned/competent officer of the Secretary, Ministry of Telecommunications, Government of India file their response on an affidavit, by the next date.

19. At this stage, counsel for the petitioner submits that since this Court is adjourning the matter after the summer vacations, the petitioner be released on interim bail. However, Mr. Rajat Gautam, Additional Advocate General for the State of Haryana, opposes interim bail and submits that an ordinary person would not keep such several SIM cards and given the modus operandi of these cyber-thugs, the possibility of petitioner using SIM cards obtained in the names of others is apparent, and they need to investigate this aspect. On the face of it, such a massive number of SIM cards points out the petitioner's involvement in cybercrime. State to

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carry out further investigation regarding such SIM cards and their usage within the territory of the State of Haryana. In the entirety of facts and circumstances, let the concerned Investigator also conduct an inquiry/further investigation in this regard and file an additional status report.

20. Given the serious nature of allegations, it is not a case for interim bail.

**List on July 01, 2024, for continuation of hearing.**

**(ANOOP CHITKARA)  
JUDGE**

**29.05.2024**

Jyoti Sharma/ Jyoti-II