

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

WP(C) 64/2025 CM(144/2025)

**Ahsan Ul Haq Hajam (32 Years)
S/O Abdul Rashid Hajam
R/O Lawaypora, Bandipora**

...Appellant(s)/Petitioner(s)

**Through: -
Mr. Ishtiyaq Ahmad, Advocate
V/s**

- 1. Union Territory of J&K through
Secretary to Government
Home Department
Civil Secretariat, Srinagar/Jammu**
- 1. State Bank of India (SBI)through
Branch Manager, Branch Bandipora
(Branch Code: 1362)**
- 2. Superintendent of Police
Cyber Police Station Kashmir Zone
3rd Floor PS Shergari Complex Srinagar.**

... Respondent(s)

**Through:-
Mr. Haris Khan, AC vice
Mr. Mohsin S. Qadri, Sr. AAG for R- 1&3.
Mr. Q. R. Shamas, Advocate for R-2.**

CORAM:

HON'BLE MR JUSTICE M. A. CHOWDHARY, JUDGE.

(ORDER)

14.05.2026

1. Petitioner, through the medium of this petition, entertaining a belief that his saving account bearing account No. 42087292580, maintained with the State Bank of India branch, Bandipora, has been frozen by the respondent Bank since the year 2024, on account of certain suspicious credits into his account, involving four transactions, amounting to total of Rs. 1,10,618/-, prayed to direct respondent-Bank to defreeze the same. It is further submitted that the concerned Bank has stopped the operation of said

account on the directions of the SBI Local Head Office Chennai, based on the communications received from Cyber Crime Cells of Delhi, Mumbai, Maharashtra and Ahmedabad.

2. Learned counsel for the petitioner submits that the respondent Bank can maintain a lien only over the suspected amounts, in view of a Judgment passed by Division Bench of the Hon'ble High Court of Judicature at Allahabad in Writ-C No. 1489/2026, reported as, *AHC : 78406-DB*, titled as '*Ashish Rawat vs. Union of India & Ors.*', wherein explicit directions were issued, to protect the rights of the account holders in the ongoing investigations related to banking scams.

3. Learned counsel for the respondent Bank, however, submits that the respondent No. 2 in paragraph-7 of its objections, has stated that the petitioner's account, as noted earlier, is operational, except to the extent of the amount involved in the suspicious transactions, as it is on hold and also stated that the petitioner is entitled to operate his account.

4. The contention of the learned counsel for the respondent Bank that the account of the petitioner is operational but the amount of the transactions is on hold means that the petitioner cannot operate his account to the extent of debiting even his own amounts from the account.

5. Hon'ble Allahabad High Court in the judgment (*supra*) cited and relied upon by the learned counsel for the petitioner, has passed detailed directions in paragraph No. 55, which is profitably extracted as under:

55. *"In view of the discussion and findings recorded hereinabove, we deem it necessary to issue the following directions to ensure that the rights of the account holders are protected while the ongoing investigation under Sections 106 and 107 BNSS proceeds:*

55.1 *Within week of production of a certified copy of this order, the concerned respondent bank shall place under lien only the amount specified by the investigating officer with respect to all bank accounts, which are subject matter of*

these petitions and restore the operation of the bank accounts forthwith, thereby making the accounts fully operational.

55.2 *The petitioners are at the liberty to approach jurisdictional magistrate wherever the bank account is freezed in non-compliance of the Section 106 of BNSS or even in the event of compliance if they believe that the complete account is required to be defreezed as the allegation leading to the freezing is incorrect or unjustified.*

55.3 *The concerned police or investigating agency shall, while issuing any direction to a bank under Section 106 BNSS, clearly specify the amount suspected to be involved in the commission of an offence or alleged to be stolen, which is required to be held or restricted in the concerned account.*

55.4 *The concerned bank shall, upon effecting any seizure, freezing, or marking of lien on an account pursuant to such directions, promptly inform the account holder of the same, including the reason of such action and the resultant operational status of the account.”*

6. In view of the facts and circumstances, pleadings of the case and the legal principles settled by the Judgment of the Hon’ble High Court of Judicature at Allahabad, the present petition is disposed of at this motion stage with the direction that the petitioner shall be permitted to operate his account, subject to the respondent Bank maintaining a lien only over the suspicious transactions as enumerated in paragraph 3 of the objections. Except for the said transactions, the petitioner be allowed access to operate the account without any restriction.

7. The petition is, accordingly, **disposed** of.

(M. A. CHOWDHARY)
JUDGE

SRINAGAR
May, 14th 2026.
“Shoaib Javid”