

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) No. 1064/2026

Mudasir Ahmad Gujjar Jara (25 Yrs.)

S/O Showkat Ahmad Gujjar Jara

R/O Urpash, Tehsil

District Ganderbal

Pin Code 191201

...Petitioner(s)

Through:

Mr. Aabid Hamid Pandith, Advocate

Vs.

**1. J&K Bank Limited,
through Chairman,
TRC Lal Chowk, Srinagar
Pin Code 190001**

**2. J&K Bank Limited,
through Branch Manager,
Nunar District Ganderbal,
Pin code 191201**

...Respondent(s)

Through:

Mr. Hakeem Suhail Ishtiaq, Advocate

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

ORDER

13.05.2026

01. The petitioner, through the medium of this petition, pleads that he has a CD Bank Account No. 0174010100001217 with IFSC Code JAKA0NUNNAR, at J&K Bank Branch at Nunnar in Ganderbal District; that on 17.07.2025, his account was credited with an amount of Rs. 5000/- from Account No. 80074468885 in Layer-4. Being an interior designer, he was under the belief and impression that one of his clients had credited the said amount through online mode, however, on 18.11.2025, when he went to an ATM to withdraw some amount from his account, he could not withdraw any money; that upon inquiry from the concerned branch, he was shocked to learn that a "Debit Freeze" had been imposed on his account upon the directions

of the Inspector of Police, Delta-4, Cyber Crime Police Station, Central Crime Branch, Vepery, Chennai, thereby completely restricting the petitioner from operating his own funds.

02. It has been further pleaded that the said bank account was being used by the petitioner for his daily living purposes and to receive the money earned from his work, and that after 18.11.2025, the petitioner had been disabled to withdraw funds from his own account; that he made several requests to the respondent-Bank Manager, Branch Nunar, to revert the disputed amount of Rs. 5000/- to whomsoever it belonged, as the petitioner had nothing to do with the same and was only concerned with his own money lying in the account. However, respondent No. 2 could not consider his requests in the absence of any direction from the Court.
03. Tr. Pramod Bhatia, had registered a complaint before the Cyber Crime Police Station, Vepery, alleging that he had been cheated through online fraud and had lost money to the tune of Rs. 36,25,000/-. Among the said amount, the disputed amount of Rs. 5000/- transferred to the petitioner's bank account in Layer-4 was also included.
04. It is pleaded that the petitioner cannot control or prevent third parties from transferring money into his account, and upon learning about the debit freeze, he acted in good faith and, without admitting any liability, requested respondent No. 2 to revert the said disputed amount to the victim to whomsoever, it belonged. He also approached the Cyber Police Station, Srinagar, requesting inspection of the matter with the hope that the disputed amount would be reverted to the victim and that the petitioner's frozen account would be de-frozen.

However, unfortunately, his request could not be considered on one pretext or another. It is finally prayed that the respondents be directed to de-freeze Account No. 0174010100001217 maintained in the name of the petitioner with J&K Bank, Branch Nunar, with a further direction to the respondents to revert the disputed amount to whomsoever it belonged and allow the petitioner to operate his account without any restrictions.

05. Learned counsel for the petitioner argued that since the petitioner had no control over the crediting of any amount into his account and, upon verification, had found that the amount of Rs. 5000/- credited to his account on 17.07.2025 was not from a genuine source, he had requested not only the banker but also the local Cyber Crime Branch of the Police at Srinagar, to revert the amount to whomsoever it belonged. He further submitted that in similar cases of scams/frauds, the High Court of Delhi as well as this Court, in many writ petitions, had passed directions to de-freeze the bank accounts of account holders into whose accounts some suspicious/disputed credits had been made pursuant to financial scams/frauds, so that the account holder does not suffer. He also submitted that Section 106 of the BNSS provides that any seizure/lien must be reported forthwith to the Magistrate, and failure to do so renders the freeze/lien illegal.
06. Learned counsel appearing for the respondents submitted that, in view of the cyber scams involving financial disputes, the bank, upon the request of the Investigating Agency of the Cyber Crime Branch from Chennai, had to debit-freeze the account as requested, so that assistance could be rendered to the Investigating Agency in the matter. He, however, fairly conceded that except for the disputed

credit entry in the petitioner's account, over which a lien could be maintained, there should be no impediment to the petitioner, being a customer of the bank, operating his account. He further stated that Coordinate Benches of this Court had, in similar circumstances, ordered the bank to maintain a lien over the disputed entry amount and, subject to such lien, allowed the account holders to operate their accounts.

07. Learned counsel for the respondents further submitted that he had been instructed by the respondents to bring to the notice of this Court that, apart from the entry which is the subject matter of the present petition, some other suspicious/disputed amounts had also been credited into the petitioner's account.
08. In view of the facts and circumstances of the case and the submissions urged at the Bar, and with the consensus of learned counsel for the parties, the petition is disposed of at the motion stage with a direction to the respondent-Bank to de-freeze Account No. 0174010100001217 of the petitioner maintained with J&K Bank, Branch Nunar, Ganderbal, except to the extent of suspicious or lien-marked transactions. It is made clear that the concerned Investigating Agency shall be at liberty to have the said suspicious/lien-marked transactions investigated and to keep the account under surveillance, in accordance with law.
09. The petition is accordingly **disposed of** along with connected application(s).

(M. A. CHOWDHARY)
JUDGE

SRINAGAR

13.05.2026

Manzoor