**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CWP-3733-2021 (O&M)
Date of decision: 16.05.2024

Niranjan Kumar ...Petitioner

VERSUS

HDFC Bank Ltd. and others ...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Harsh Chopra, Advocate and
Mr. Digvijay Singh Kadian, Advocate for the petitioner.

Mr. Rekhansh Rampal Sharma, Advocate for
Mr. Nitin Thatai, Advocate for respondents No.1 and 2.

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VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for directing the respondent-Bank to de-freeze the bank account of the petitioner bearing account No. 50100214827299 which has been frozen by respondent No.1-Bank.

2. Learned counsel for the petitioner argues that the petitioner is having a saving bank account with the respondent-Bank, Branch at Fatehabad Road, Bhattu Kalan, Tehsil and District Fatehabad, bearing account No.50100214827299 and that an amount of Rs.4,18,000/- is lying deposited in the said account. It is contended that a sum of Rs.34,000/- was deposited on 19.09.2018 by some unknown person with whom the petitioner had no dealing or transaction. The above said amount has also not been withdrawn by the petitioner and the same is still lying in the said bank account. The account of the petitioner was eventually frozen by the Bank in

the month of November-2019 without giving any notice or intimation causing prejudice to the petitioner. A legal notice dated 19/24.02.2020 was accordingly sent by the petitioner to the respondent-Bank with a further request to allow him to operate the bank account. In response to the said notice, the respondent-Bank furnished its reply informing that the account had been frozen on the basis of the notice dated 29.10.2019 sent by the Andhra Pradesh, Cyber Crime Police Station, Visakhapatnam City. It had been stated in the said notice that one complaint bearing Cr. No.180/19 under Sections 419, 420 IPC and Sections 66C and 66D of the Information Technology Act, 2000-2008 of Cyber Crime Police Station, Visakhapatnam City.

3. Notice was issued to the respondents, however, they have chosen not to appear.

4. A perusal of the aforesaid complaint shows that the total fraudulent amount lying in the account of the petitioner was Rs.53,000/-. Learned counsel for the petitioner contends that the petitioner had received only a sum of Rs.34,000/- in his account which was fraudulent and respondent No.3 has chosen not to furnish any response opposing the prayer made in the present petition.

5. Without going into the controversy involved in the present case and taking into consideration that the petitioner is a farmer in a remote village of Fatehabad District and the total amount which is alleged to be subject matter of dispute in the said case is Rs.53,000/- only, I deem it appropriate to modify the order/communication sent by the State of Andhra

Pradesh, Cyber Crime Police Station, Visakhapatnam City and direct the respondent-Bank to create a lien to the tune of Rs.53,000/- against the account of the petitioner and to allow the petitioner to use his account for the sum over and above, provided that no other complaint/order of freezing or creation of a lien against any other amount has been issued.

6. The present petition **stands allowed** in above said terms.

(VINOD S. BHARDWAJ)
JUDGE

16.05.2024
Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No