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2024:PHHC:166447



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

CRWP-9589-2024

Date of decision:12.12.2024

TULSI DEVI

...Petitioner

VERSUS

STATE BANK OF INDIA AND OTHERS

...Respondents

CORAM: HON'BLE MR.JUSTICE KARAMJIT SINGH

Present: Mr. Satyam Tandon, Advocate with
Ms. Mahima Dogra, Advocate
for the petitioner.

Mr. G.S. Sidhu, Advocate
for respondent No.1-State Bank of India.

None for respondent No.2.

KARAMJIT SINGH, J. (Oral)

Counsel for the petitioner submits that the total amount lying in the freezed bank account of petitioner is Rs.66481.50/- as is clear from bank statement (Annexure P-1). The said bank account was freezed at the instance of respondent No.2 on 01.08.2022 on the basis of Annexure P-2, which was notice issued under Section 91 of Cr.P.C. by the Office of Director General of Police, State Cyber Crime Cell, Gandhi Nagar (Gujarat). Counsel for the petitioner further submits that despite due service, none has put in appearance on behalf of respondent No.2 in the present petition. That the petitioner is a housewife and is in immediate



need of money to deposit school/college fees of her children. It is further submitted that till date no notice has been received by the petitioner from the Office of respondent No.2 with regard to registration of any criminal case against the petitioner. That the petitioner is having no criminal history. So, prayer is made that necessary direction be given to respondent No.1 to defreeze the aforesaid bank account No.33085142410 of the petitioner which is therein Sector 18, Chandigarh Branch of State Bank of India. In support of his contentions, counsel for the petitioner has placed reliance upon the decision of Himachal Pradesh High Court in Cr.MMO No.533-2024 decided on 04.09.2024 in **“Aeronfly International Private Limited Vs. State of Himachal Pradesh and Others”**

2. Counsel for respondent No.1 has apprised the Court that bank has already sent three e-mails to respondent No.2 and the copies of the same are Annexure R-1 but respondent No.2 failed to respond to the same. Counsel for respondent No.1 further submits that the bank account of the petitioner was freezed only on the basis of the direction given by respondent No.2 vide Annexure P-2 and that bank is having no objection if the said bank account is defreezed.

3. In the instant case, the bank account of the petitioner was freezed by respondent No.1-bank on the basis of notice (Annexure P-2) dated 01.08.2022 issued by respondent No.2 under Section 91 Cr.P.C. Apparently, it appears that prior to issuance of notice (Annexure P-2), no intimation was given to the petitioner and thus notice (Annexure P-2)



was issued in clear violation of principles of natural justice and is not legally sustainable. Further the bank account of a person cannot be freezed for an indefinite period without assigning any reason.

4. In light of the above as there is no response on behalf of respondent No.2, direction is hereby given to respondent No.1-bank to defreeze the aforesaid bank account of the petitioner subject to furnishing of indemnity bond by the petitioner in favour of respondent No.1-Bank.

5. The present petition is hereby disposed of in aforesaid terms.

12.12.2024
Priyanka Thakur

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No