IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA
CWP No. 19484 of 2026
Date of Decision: October 30, 2026

Shiv Singh .Petitioner

Versus

State of Himachal Pradesh and others … Respondents

Coram:
Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting? [1] Yes.

For the Petitioner: Mr. Mohar Singh and Ms. Shine Sehgal, Advocates.

For the Respondents: Mr. Rajan Kahol, Additional Advocate General with Mr. Ravi Chauhan and Mr. Anish Banshtu, Deputy Advocates General, for respondent Nos. 1 and 2.

Nemo for respondents Nos. 3 to 5.

Mr. Arvind Sharma, Senior Advocate with Mr. Amit Thakur, Advocate, for respondent No.6.

Sandeep Sharma, Judge(oral)

By way of instant petition filed under Art. 226 of the Constitution of India, petitioner has prayed for following main reliefs:

> "A. Issue a Writ in the nature of Certiorari quashing and setting aside the debit freeze/ hold placed on the Petitioner's SBI Salary Account No. 32787933375.
>
> B. issue an appropriate writ, order or direction calling upon the respondents to produce the complete record and disclose the complaint/FIR/NCRP reference, the specific disputed transaction and amount, the statutory provision invoked, the freeze instruction, and any order/ report submitted to or passed by the competent Magistrate in relation to the petitioner's SBI account."

[1] *Whether the reporters of the local papers may be allowed to see the judgment?*

2. Quintessential facts, as averred in the petition, are that the petitioner is working as a Government servant (Patwari), having bank, Account No. 32787933375, with the State Bank of India (SBI), Ganvi Branch, Tehsil Rampur, District Shimla, Himachal Pradesh (IFSC: SBIN0009366). His monthly salary is credited into this account, which is the sole financial life-line for his family's sustenance and livelihood, including house rent, children's school fees and daily domestic expenses.

3. The petitioner came across an online advertisement for a gaming application, "Yono Games", on his mobile phone. He downloaded the application, played the games and won amounts, which were credited through standard digital payment gateways. One such winning amount of Rs. 21,000/- was credited to his SBI salary account on 09.07.2026 (Annexures P-1 to P-3). Thereafter, the respondent Bank subjected the petitioner's salary account to a total debit freeze, acting on requisitions issued by cyber crime authorities in Thane, Maharashtra. The petitioner came to know of this when a routine debit transaction, to draw funds for basic household and medical needs failed. On inquiry at the branch, the officials verbally told him that the freeze had been placed pursuant to a communication or cyber crime portal alert issued by the SP Cyber Crime about a complaint involving a disputed credit of Rs.21,000/-. Instead of restricting the hold or lien to the disputed amount of Rs.21,000/-, the respondent Bank freezed the entire account balance, including his salary and savings.

4. Thereafter, petitioner submitted a written representation to the Branch Manager, SBI Ganvi Branch, asking for the hold to be removed and explaining that he was unaware of any fraud or illegal activity connected with his account. On 12.08.2026, he was orally informed that the freeze had

been imposed pursuant to communications issued through the National Cyber Crime Reporting Portal (NCCRP). These linked his account to two inter-state cyber complaints:

1. Acknowledgement No. 31907260152114, originating from Kapurbawadi, Thane City, Maharashtra;
2. Acknowledgement No. 33708250034500, originating from Malkajgiri, Telangana.

5. Perusal of the documents filed with the petition reveals that between 12.08.2026 and 07.10.2026, the petitioner sent repeated emails and representations to the Cyber Crime Police Station, Thane, Maharashtra; the SP Cyber Crime, Shimla; the DGP, Himachal Pradesh and the Branch Manager, SBI Ganvi. In these representations he explained his bona fide position and offered full cooperation with any ongoing investigation. On 18.08.2026, he also raised a grievance on the National Cyber Crime Reporting Portal, which was assigned Grievance Registration ID GR036260818136. On 20.08.2026, the portal closed/ rejected the grievance without giving him a hearing, without taking his documents on record, without supplying a copy of any FIR linking him to a cognizable offence, and without any direction to unfreeze the undisputed salary funds (Annexure P-4, colly).

6. Notice.

7. Mr. Rajan Kahol, learned Additional Advocate General accepts notice on behalf of respondent Nos. 1 and 2 whereas, Mr. Amit Thakur, Advocate accepts service of notice on behalf of respondent No.6 i.e. State Bank of India, Ganvi Branch.

8. Having regard to the nature of dispute and order proposed to be passed in the instant proceedings, this Court sees no necessity to issue notices to respondents Nos. 3 to 5 and same is dispensed with.

9. I have heard learned counsel for the appearing parties and gone through the petition.

10. Precisely, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by Mr. Mohar Singh, learned counsel for the petitioner, is that since salary account of the petitioner has been completely freezed, without any foul play on part of petitioner, he is unable to draw his monthly salary, pay house rent, meet essential household expenses and his children's educational expenses or pay his bank EMI's. As per petitioner, his loan account are on the verge of being declared Non Performing Asset (NPA). Since, despite his repeated requests and representations, the respondent Bank has not defreezed the remaining balance, petitioner has approached this Court in the instant proceedings, praying therein for the reliefs, as have been reproduced herein above.

11. As per averments contained in the petition, which is duly supported by an affidavit as also documents annexed therewith, this Court finds that the petitioner, after having downloaded a game application, "Yono Games", played games and won certain amount, which subsequently came to be credited to his salary account detailed above, on 9.7.2026. Though, there cannot be any quarrel about competence of an investigating agency to issue direction to the Bank to freeze an account, but the investigating agency, while passing such an order, is expected to exercise requisite care, caution and act with compassion.

12. In the case at hand, petitioner's bank account, which is salary account, has been ordered to be frozen, that too on account of some innocuous entry of Rs.21,000/-. It is not the case of the investigating agency that the petitioner is a suspect or an accused of cyber crime. Petitioner quite possible may not even be connected with the offence under investigation and might be unintended beneficiary. In such types of cyber-crimes, if any fraudster cheats a complainant and with the help of cheated money, when such fraudster buys something using such money, the police chasing such money-trail directs freezing the bank accounts of all concerned and in the process, many innocent recipients have to bear the brunt, for no fault of theirs.

13. Since passing of the order of freezing the bank account of an individual has serious implications and invades and encroaches upon his invaluable earning and to live with dignity, investigating agency is expected to at least issue Show Cause Notice to such a person, before passing blanket order of freeing his bank account.

14. As has been observed herein above, investigating agency is fully empowered to conduct investigation and can also under appropriate circumstances, send request to the concerned bank, directing freezing of the entire amount, but while doing so, it must assign reasons.

15. If investigating agency is permitted to issue blanket orders with regard to freezing of accounts, that too, without assigning any reasons, it can play havoc with the financial concerns of such account holders. In relation to small-time vendors, it can disrupt prospects of their mere existence. Hence, in such like situation, investigating agency can always explore pos-

sibility to mark lien on disputed amount, whenever it is identifiable should be explored as a more appropriate interim measure.

16. Recently, High Court of Delhi in **Pawan Kumar Rai** v. **Union of India & Anr.,** 2024 SCC OnLine Del 8936 had an occasion to deal with similar situation, wherein it passed following order:

> "25. Indubitably, passing of an order of freezing the entire bank account of the petitioner has a serious and adverse implication and invades and encroaches upon his invaluable right to earn and live with dignity. The impugned action, in essence, amounts to a violation of fundamental right of the petitioner, as it directly undermines his right to livelihood, which is integral part of the Right to Life guaranteed under Article 21 of the Constitution.
>
> 26. Furthermore, when the Investigating Agency has identified a specific sum credited to the bank account of the petitioner, it is difficult to comprehend as to why the entire bank account of petitioner has been freezed.
>
> 27. Thus, the continued freezing of the entire bank account of the petitioner, without even hinting that the petitioner was either mastermind or accomplice in the cybercrime or knowingly received the funds as part of any illegal activity will not be justifiable and sustainable, at the moment."

17. In similar facts and circumstances, Kerala High Court in **Dr. Sajir** v. **Reserve Bank of India and others:** 2023 SCC OnLine Ker 9087 made following observations:

> ""11. In the afore perspective, when the requisitions in these cases-by various Police Authorities in several States of India mention the exact amount suspected to have been credited to the accounts of the petitioners herein, one fails to fathom why their bank accounts in full, should remain frozen. This is more so because, even when the sums in question may have found credit in the accounts of the petitioners, unless the investigation eventually reveals that they were complicit in the Cyber Crime, or had received the same being aware of it, they could never be construed to be accused."

18. Complete debit freeze on the account of the petitioner amounts to violation of petitioner's fundamental rights guaranteed under Arts. 14(1), 19(1)(g) and 21 of the Constitution of India, especially when no notice ever came to be issued by the investigating agency prior to its passing a blanket freeze order. Salary account of the petitioner appears to be freezed in connection with an FIR, without affording opportunity of hearing, which also violates principles of natural justice under Art. 21 of the Constitution of India. Principle of *audi alteam partem* was also not followed as no opportunity of hearing was given either before or after passing of order of freezing the account of the petitioner.

19. Though, law enforcement agency can issue orders for freezing bank accounts but not a salary account, which is sole source of livelihood for a Government employee and his family members, merely because of some incidental credit appearing in such account.

20. Otherwise also, blanket order of freezing salary account of the petitioner could not have been passed without ascertaining mens rea of the account holder, his complicity in cyber crime etc. In the case at hand, petition-

er might have received funds bona fide through an automated payout system of an online gaming application and he had no connection or knowledge of underlying cyber crime or fraud committed by a third party rather merely he is a passive receiver of credit for which he cannot be penalized as principal offender.

21. Similarly, it is well settled that salary is a form of property and a vital component of the right to livelihood under Art. 21. Depriving a Government servant of his monthly salary for months without due process of law is illegal and unsustainable. Right to life guaranteed under Art. 21 of the Constitution of India, includes right to live with human dignity and right to livelihood. By placing a total debit freeze on the salary account, the respondents have deprived the petitioner of his only income and prevented him from procuring necessities such as food, medicine and utilities.

22. Though, before approaching this Court in the instant proceedings, petitioner approached competent authority by way of representation but his representation was rejected on 20.8.2026 without assigning any explanation and without any determination why the whole account must remain frozen. The rejection did not address the petitioner's request for a limited lien and access to the undisputed balance.

23. Since complete freeze of account impedes a person's ability to carry out day-to-day transactions and earn a living and infringes the fundamental right under Art. 19(1)(g) of the Constitution of India to carry on any occupation, trade or business. The petitioner has to maintain his family members, pay school fees, buy regular medicines and pay utility bills and the complete freeze has caused him mental agony, social stigma and severe economic hardship, this Court is persuaded to agree with the submissions made by

learned counsel for the petitioner that petition can be disposed of with a direction to respondent Bank to permit him to withdraw the salary, keeping intact the lien amount, which is part of investigation.

24. Consequently, in view of the discussion made herein, particularly nature of controversy involved, the present petition is disposed of with a direction to respondent No. 6 to remove the complete debit freeze from account No. 32787933375 maintained by petitioner with it, only leaving intact /keeping hold/lien on the dispute amount, which is subject matter of ongoing investigation. Learned counsel for the respondent No.6-Bank is directed to communicate this order to the Branch concerned for immediate compliance.

The petition stands disposed of in the afore terms. All pending applications also stand disposed of.

(Sandeep Sharma),
Judge

October 30, 2026
(vikrant)