

**CWP-1346-2026****-1-****129 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CWP-1346-2026****Date of decision: 16.02.2026****RED DIAMOND HOTELS PVT LTD.****...PETITIONER****VERSUS****RESERVE BANK OF INDIA AND ORS.****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present: Mr. Anshul Khurana, Advocate for the petitioner.

Mr. Nitin Thatai, Advocate and
Mr. Karan Sharma, Advocate
for the respondent-HDFC Bank.

***********SUVIR SEHGAL, J. (ORAL)**

1. This petition has been filed, inter alia, for issuance of a writ in the nature of mandamus directing respondents No.2 and 3- bank to defreeze petitioner's current account maintained with HDFC Bank Ltd, DLF City Court Branch, Sikanderpur, Gurugram.

2. Counsel for the petitioner states that petitioner-company owns and runs a hotel business in the name and style of "Red Diamond Hotel Private Limited". It maintains a current account No. 17192000001320 with respondent No.3-bank. He submits that in December, 2025, petitioner was informed that account had been frozen on the basis of a communication received from Cyber Crime Police Station, Telangana-respondent No.4. Counsel asserts that petitioner received emails dated 17.12.2025 and 28.12.2025, Annexure P-1 and P-2, respectively, from respondent-bank whereby on account of some suspicious activity which did not match usual transaction pattern, they imposed temporary restriction on digital transactions of the petitioner's account. Counsel has made a categoric assertion

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that there is no allegation of fraud against the petitioner, nor has the petitioner been named as an accused in criminal proceeding pertaining to cyber fraud.

3. Upon instructions from Ms. Priyanka Paras, PBA, HDFC Bank, Gurugram, counsel for respondents No.2 and 3- bank states that the freeze has been applied in compliance with a communication received from the Cyber Crime Police Station, Telangana. Total disputed amount involved is Rs.862.80 and an FIR bearing No.2989/2025 in Cyberabad, Telangana has been registered.

4. I have heard counsel for the parties and considered their respective submissions.

5. An investigating agency can freeze a bank account only upon obtaining an order from the jurisdictional Magistrate in terms of Section 107 of BNSS, 2023, as has been held in **Mr. Kartik Yogeshwar Chatur and others Versus Union of India and others**, Law Finder Doc Id #2812474. No such order could be brought to the notice of this Court by counsel for the respondents no.2 and 3.

6. Keeping in view the observations made by a Co-ordinate Bench of this Court in **CWP-3464-2024** titled as **Jaspreet Singh Versus Union of India and others**, decided on 05.07.2024, writ petition is disposed of with a direction to respondents No.2 and 3-bank to defreeze the current account No. 17192000001320. Bank will, however, keep a lien of the disputed amount, i.e. Rs.862.80 and petitioner would be at liberty to utilize the remaining balance amount lying in its account, without prejudice to any other attachment order or any order freezing the account.

16.02.2026

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(SUVIR SEHGAL)
JUDGE

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