

**CWP-1684-2026****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH****120****CWP-1684-2026****Date of Decision: 20.04.2026****Sweety****...Petitioner****Versus****HDFC Bank Limited****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Deepak, Advocate for the petitioner

Mr. Nitin Thatai, Advocate for the respondent

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**JAGMOHAN BANSAL, J. (Oral)**

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent to de-freeze her Savings Account maintained at HDFC Bank, Near Purani Anaz Mandi Gate, Main Bazar, Julana District Jind.

2. Learned counsel for the petitioner submits that respondent-bank has frozen petitioner's account without notice. As per petitioner's information, the bank has acted upon directions of law enforcement agencies. She is not involved in any criminal activity. She is not named in any FIR relating to financial fraud, if any, committed by unknown persons. Her brother-in-law has transferred ₹65,000/- for the purpose of purchasing clothes on account of wedding in the family. There is no order of Magistrate under Section 107 of Bharatiya Nagarik Suraksha Sanhita ('BNSS') with respect to her account.



3. Learned counsel for the respondent submits that as on day, there is no disputed/suspicious amount in the petitioner's account.

4. Heard the parties and perused the record.

5. Kerala High Court in ***Headstar Global Pvt. Ltd. v. State of Kerela, 2025 SCC OnLine Ker 3546*** has held that freezing of bank accounts must be proportionate, reasoned, and supported by material indicating the account holder's involvement in the alleged offence. Bank account under Section 106 of BNSS cannot be attached. The Hon'ble Supreme Court has dismissed SLP being *SLP (Cri.) No.13433/2025* filed against aforesaid judgment.

6. Bombay High Court in ***Kartik Yogeshwar Chatur v. Union of India, 2025 SCC OnLine Bom 4778*** has held that an Investigating Agency has no power to debit freeze or attach a bank account under Section 106 of the BNSS, and that any such action can be taken only in accordance with Section 107 of the BNSS upon orders of the competent Magistrate.

7. Delhi High Court in ***Neelkanth Pharma Logistics (P) Ltd. v. Union of India, 2025 SCC OnLine Del 1055*** has observed that freezing of an entire bank account merely on account of a small and identifiable amount alleged to be proceeds of cyber fraud having been credited therein, is a disproportionate and arbitrary exercise of power, particularly when the account holder is neither an accused nor even a suspect in the offence under investigation. The Court emphasised that such blanket freezing, without recording or communicating any reasons, results in grave civil and financial consequences, including disruption of business operations, dishonour of cheques and severe hardship, and directly impinges

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upon the right to livelihood. Innocent and unwary account holders cannot be made to suffer merely because proceeds of crime may have temporarily passed through their accounts, unless investigation reveals their complicity or conscious receipt of such funds.

8. From the perusal of record and arguments of both sides, it is evident that no FIR has been registered against the petitioner. No order of attachment under Section 107 of BNSS has been passed by the Magistrate. As per statement of learned counsel for the respondent-bank, there is no disputed/suspicious amount in the petitioner's account. Claim of petitioner is genuine and deserves to be allowed. Accordingly, respondent-Bank is directed to de-freeze petitioner's account within 3 days from today.

9. It is made clear that this order shall not legalize any act or omission of the petitioner, if at any stage, he is found involved in the commission of any offence or violation of provision of any law in force.

10. Disposed of in above terms.

**(JAGMOHAN BANSAL)**  
**JUDGE**

**20.04.2026***Mohit Kumar*

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| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |