



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

123

CWP-8184-2026

Date of Decision: 16.04.2026

GURNISHAN SINGH

...Petitioner

Vs.

HDFC BANK AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Umesh Aggarwal, Advocate and
Ms. Naveeta Thakur, Advocate for the petitioner

Mr. Nitin Thati, Advocate (*through V.C.*)
for respondent-HDFC Bank

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking direction to respondent to de-freeze his savings account No.22971740003095 maintained at HDFC Bank, Majitha Road, Amritsar.

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. He is not involved in any criminal activity. He is not named in any FIR relating to financial fraud, if any, committed by unknown persons. There is entry of Rs.4122/- which has been credited in his account by unscrupulous ones. There is no order of Magistrate under Section 107 of BNSS with respect to his account. The petitioner shall not use suspicious amount.

3. Learned counsel for the respondents submit that Bank has acted upon directions of law enforcement agencies. They have not

received any order from Magistrate. They have no knowledge about involvement of petitioner in the commission of offence which prompted authorities to take impugned action. As per their information, entries of Rs.4122/- are suspicious in 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 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 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. The respondent has frozen account whereas a sum of Rs.4122/- has been marked suspicious. Claim of petitioner is genuine and deserves to be allowed. Accordingly, respondent-Bank is directed to de-freeze petitioner's account within one week.

9. As conceded by petitioner, the disputed amount shall not be utilized by him. It will remain frozen. 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.

11. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

April 16, 2026
Deepak DPA

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No