

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

113

CWP-12619-2026

Date of Decision: 21.05.2026

Gaurav Kumar

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Sahil Singla, Advocate and
Ms. Anusha Jain, Advocate for the petitioner

Mr. Satya Pal Jain, Additional Solicitor General of India
(*through video conferencing*) with
Mr. Arvind Seth, Senior Panel Counsel
for Union of India-respondent No.1

Mr. Nitin Thatai, Advocate for respondent No.2
(*through video conferencing*)

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking direction to respondent No.2 to de-freeze his bank account maintained with HDFC Bank.

2. Learned counsel for the petitioner submits that respondent No.2-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 to the tune of ₹31,000/- which has been credited in his account by unscrupulous ones. There is no order of Magistrate under Section 107 of Bharatiya Nagarik Suraksha Sanhita ('BNSS') with respect to his account. The petitioner shall not use suspicious amount.

3. Learned counsel for respondent No.2 submits that respondent-

Bank has acted upon directions of Law Enforcement Agencies. As per

instructions received from Law Enforcement Agencies, respondent-bank has to remit a sum of ₹20,000/- to one of the complainants/victims. 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, entry of ₹31,000/- is 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 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 emphasized 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 ₹31,000/- 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 from today.

9. An amount of ₹31,000/- is suspicious in petitioner’s account. The respondent-bank may transfer a sum of ₹20,000/- to one of the complainants/victims. As conceded by petitioner, the remaining disputed amount i.e. ₹11,000/- 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.

(JAGMOHAN BANSAL)
JUDGE

21.05.2026
Mohit Kumar

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