606 of 2025 Nisha Thapa Vs State of H.P. & Others

13.07.2026.Present: Ms. Ranjana Sharma, Ld. counsel for applicant.
Ms. Bhanvi Vaid, Ld. APP for State/respondent no. 1.
Sh. Pankaj Sood, Ld. counsel for respondent no. 9 and 52.
Sh. Rohit Dutta, Ld. counsel for respondent no. 36.
Sh. Mahesh Chopra, Ld. counsel for respondent no. 54.
None for remaining respondents.

This order shall dispose of an application filed by the applicant under Section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking release of the amount lying frozen/put on hold in various bank accounts pursuant to a cyber fraud.

2. Briefly stated, the case of the applicant is that she became a victim of cyber fraud, whereby an amount of ₹10,54,037/- was fraudulently transferred from her account. The incident was immediately reported to the Cyber Crime authorities through the National Cyber Crime Reporting Portal. During investigation, the police traced the fraudulent transactions and caused the available balances lying in various beneficiary accounts to be put on hold. The applicant has prayed for release of the amount lying frozen in the said accounts in her favour.

3. The State has filed a status report through the Station House Officer, Police Station Dharamshala. As per the report, investigation has revealed that an amount of ₹3,63,142.37 has been secured by putting lien/debit freeze over different beneficiary accounts. The Investigating Officer has categorically stated that the Police has no objection if the disputed amount lying frozen is released in favour of the applicant in her SBI Account No. 33022513763, SBI, Sidhpur Branch, Dharamshala. Replies have also been filed by certain banks. Respondent No. 52, Bank of Baroda, Chitauria, Bihar, has stated that the concerned account is under debit freeze and a hold amount is available therein. It has otherwise left the matter to the discretion of the Court. Respondent No. 36, State Bank of India, Mohan Garden Branch, has raised an objection that the account number mentioned in the application does not pertain to its branch and actually belongs to another branch of the State Bank of India situated at SPBB Howrah, Kolkata. It has, therefore, pleaded that it has been wrongly impleaded. I have heard the learned counsel for the applicant, the learned Assistant Public Prosecutor and the learned counsel appearing for the concerned banks and have carefully gone through the record.

4. In the present case, the applicant is admittedly the victim of the cyber fraud. The police has traced the fraudulent transactions and identified the amounts lying in different beneficiary accounts. The Police itself has categorically recommended release of the amount in favour of the applicant and has expressed no objection thereto. There is no material on record to indicate that any person has claimed

a better title over the amount lying frozen or that release of the amount would prejudice the investigation.

5. The objections raised by Respondent No. 36 do not affect the entitlement of the applicant. If a particular account does not pertain to the said branch, naturally no direction can be issued against that branch. Similarly, the reply filed by Respondent No. 52 merely states that the account is under debit freeze and the available hold amount is reflected therein. Neither of these replies creates any dispute regarding the applicant's entitlement to restoration of the amount lying frozen.

6. The purpose of the present proceedings is not to adjudicate any dispute between different bank branches or determine their liability. The Court is only concerned with restoration of the amount secured during investigation. Therefore, directions are required to be issued only to those banks and branches where the disputed amount is actually lying frozen or under lien, as reflected in the investigation and the material placed on record.

7. Consequently, the application is allowed. The concerned banks/branches, in whose accounts the disputed amount is lying frozen or under lien as reflected in the status report and the investigation record, are directed to remit/release the respective amounts available therein in favour of the applicant by transferring the same to her Savings Bank Account No. 33022513763, State Bank of India, Sidhpur Branch, Dharamshala, subject to the applicant furnishing an indemnity bond equivalent to the total amount actually released, undertaking to refund the amount or any part thereof if so directed by any competent Court at any subsequent

stage. It is clarified that no direction is being issued against any bank or branch which has established that the account mentioned in the application does not pertain to it or where no disputed amount is lying with such branch. The Investigating Officer shall communicate this order only to the concerned banks/branches actually maintaining the frozen accounts for necessary compliance.

8. Requisite bonds, furnished, duly attested and accepted, release warrants be issued accordingly. The application stands disposed of in the above terms. The file after due completion be consigned to the record room.

Announced **(Sonal Sharma)**
13.07.2026 **Additional Chief Judicial Magistrate**
Court No. 1, Dharamshala, H.P.