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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ **W.P.(CRL) 4003/2025, CRL.M.A. 35970/2025 and CRL.M.A. 2945/2026**

NISHANT CHAUHAN .....Petitioner

Through: Mr Ashwin Kumar Nair, Mr Ritik Gupta, Mr Porus, Advocates.

versus

UNION OF INDIA & ANR. .....Respondents

Through: Mr. Nishant Gautam CGSC
Ms. Niti Jain, Mr. Nitai Agarwal, Advocates for R-3.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

O R D E R

% 30.07.2026

1. The instant petition is for the following reliefs:-

> *"1. Issue a writ of Mandamus or any other appropriate writ, order or direction directing the Respondent No. 3 to forthwith unfreeze the bank account of the Petitioner maintained in their bank bearing bank A/c No. 881039128362, IFSC Code: DBSS0IN0811.*
>
> *2. Direct the Respondent No. 2 to issue a No Objection Certificate (NOC) to Respondent No. 3 for removal of the freeze and restoration of normal operations in the said account.*
>
> *3. Pass such other and further orders as may be deemed just, fit, and proper in the facts and circumstances of the present case."*

2. Learned counsel appearing for the petitioner has drawn the attention of this Court to the communication dated 14.10.2025 issued by DDS Bank India Ltd., whereby the petitioner was informed that a complaint had been

received in respect of his bank account and, consequently, a debit freeze along with a lien to the extent of Rs. 70,000/- had been placed on the account. It is, however, contended that despite the said communication indicating a lien only for the aforesaid amount, the respondent Bank has frozen the operation of the entire bank account, thereby preventing the petitioner from operating the same.

3. It is pertinent to note that, by order dated 03.12.2025, notice was directed to be issued to the respondents. Except for the respondent Bank, none of the respondents has filed any reply. Even as on date, no justification has been furnished by any of the respondents for the unilateral freezing of the petitioner's bank account.

4. This Court in the case of ***Malabar Gold and Diamond Limited & Ors. Vs. Union of India & Ors***.[1], *vide* paragraph nos. 18 and 19 thereof, has held as under:-

> *"18. Thus, it is fairly trite now that Section 106 of the BNSS empowers the police only to seize property for evidentiary purposes and does not confer any authority to attach or debit-freeze bank accounts. Attachment or freezing of bank accounts, being measures directed at securing alleged proceeds of crime, can be undertaken only under Section 107 of the BNSS and strictly upon orders of a competent Magistrate, after following the prescribed procedural safeguards.*
>
> *19. In light of these provisions, it is also pertinent to note that any blanket or disproportionate freezing of bank accounts, particularly where the account holder is neither an accused nor even a suspect in the offence under investigation, is manifestly arbitrary, and in the teeth of the fundamental rights under Article 19(1)(g) and 21 and of the Constitution of India, which encompass the right to livelihood and freedom to carry on trade and business. Such indiscriminate debit freezing, without any finding of complicity, has the inevitable effect of paralysing the day-to-day business operations of an otherwise innocent entity, resulting in loss of commercial goodwill and financial consequences, thereby subjecting a*

[1] W.P.(C) 4198/2025 dated 16.01.2026

non-complicit account holder to punitive consequences.”

5. Considered the fact that no FIR has been registered against the petitioner, no investigation has been conducted insofar as the petitioner is concerned, and no summons have been issued to him, this Court is of the considered view that the continued freezing of the petitioner's bank account unjustifiably impinges upon his valuable right to operate the same. Accordingly, the respondent Bank is directed to defreeze the petitioner's bank account, except to the extent of the lien of Rs. 70,000/-, which shall continue to remain in force.

6. With the aforesaid observations and directions, the present petition, along with all pending applications, stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

JULY 30, 2026
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