

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Writ Petition No. 1121/2026

Moksha Bansal D/o Ashok Kumar Bansal, Aged About 25 Years,
Resident Of 136, Adarsh Nagar Pali, Pali Raj.. Pin Code - 306401

-----Petitioner

Versus

1. State Of Rajasthan, Through P.p.
2. Yes Bank Limited, Registered Address- Yes Bank House,
Off Western Express Highway, Santacruz East, Mumbai,
Maharashtra - 400055
3. Branch Manager, Yes Bank, Pali Branch, District Pali Raj.

-----Respondents

For Petitioner(s) : Mr. Lavish Bhati

For Respondent(s) : Mr. Surendra Bishnoi, AGA

HON'BLE MR. JUSTICE FARJAND ALI

Order

27/04/2026

1. The instant criminal writ petition has been instituted under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, whereby the petitioner seeks issuance of an appropriate writ, order or direction commanding the respondents to de-freeze and restore operational access to the bank account(s) of the petitioner, which presently stand frozen pursuant to instructions issued by the Cyber Police authorities. The account details of the petitioner are as under:-

Bank Name	Branch	Account No.
Yes Bank	Pali, Rajasthan	064194100000212

2. The foundational facts, in brief, are that on allegations pertaining to certain suspected fraudulent transactions, one of the bank accounts of the petitioner came to be frozen. The particulars of the said account are stated in the petition and are not in dispute. It is the grievance of the petitioner that despite the disputed transaction being of a meagre amount, the entire account has been rendered inoperative, thereby causing grave financial hardship and disruption in day-to-day affairs.

3. I have heard the counsel for the petitioner and Public Prosecutor appearing for the State, at length. The material placed on record has been perused with due care.

4. It is noticed that on the previous date, the Coordinate Bench had directed issuance of notice to respondent Nos. 2 and 3. However, upon consideration of the matter, it transpires that the Bank authorities are not the originating agency behind the freezing of the petitioner’s account. The account was not frozen by the Bank on its own volition, but rather pursuant to communications/instructions issued by the Cyber Police authorities, as reflected from Annexures-2 and 3 appended with the petition. Since the concerned bank itself raises no objection and the freezing of the petitioner’s account was effected solely at the behest of the cybercrime

authorities, pursuant to instructions issued by the investigating agency on the premise that certain sums ranging from ₹1,500/- to ₹4,000/- had been credited into the said account under allegedly suspicious circumstances, no useful purpose would be served in separately affording further audience to the banking institution. In such circumstances, consideration of the stand of the investigating agency sufficiently subserves the requirement of hearing the respondents. Accordingly, the learned Public Prosecutor has been heard on behalf of the State and the concerned authorities.

5. From the record, it further appears that the amount allegedly involved in the disputed transaction is nominal, stated to be in the range of Rs.1,500/- to Rs.4,000/- only. For such a limited disputed sum, depriving the petitioner of access to the entirety of funds lying in the account would be manifestly disproportionate and unjustified. The ends of justice would be adequately served if the disputed amount alone remains protected/withheld, while the petitioner is permitted to operate the remainder of the account in accordance with law.

6. Undoubtedly, the statutory framework empowers the investigating agency, in an appropriate case, to direct or request the freezing of a bank account during the course of investigation and to intimate such action to the jurisdictional Court in accordance with law. However, such power is neither

unbridled nor capable of perpetual exercise. A bank account cannot be frozen indefinitely, without due disclosure to the account holder regarding the basis of such action, the nature of allegations, the extent of restraint imposed, and the period for which such freezing is to continue. Unregulated continuation of such restraint causes severe prejudice to the ordinary financial life of a citizen, and in many cases severs the very economic lifeline of the person concerned.

7. The freezing of a citizen's bank account, in the absence of cogent reasons and without demonstrating even a prima facie nexus between the account and the commission of a cognizable offence, constitutes a serious intrusion upon valuable constitutional protections. Such action, if undertaken mechanically or arbitrarily, directly impinges upon the right to life and personal liberty guaranteed under Article 21 of the Constitution of India, as also the freedom to practice any profession or to carry on trade, occupation or business under Article 19(1)(g). The power to interdict operation of a bank account is an exceptional measure and must, therefore, be exercised sparingly, cautiously and strictly in accordance with law, upon existence of tangible material establishing a live and proximate connection between the account and the alleged criminal activity. Any action taken dehors these safeguards would partake the character of arbitrariness and cannot be countenanced in law.

8. In the present case, though only a limited amount is stated to be under dispute and the same can adequately be kept under hold, yet owing to a blanket freezing direction, the respondent-Bank has rendered the account wholly inoperative. Resultantly, the petitioner has been disabled from operating the account or utilizing the funds lying therein for legitimate purposes. Under the guise of investigation, an omnibus restraint freezing the entire account, without quantifying the disputed amount or prescribing a reasonable temporal limit, cannot be sustained. Such action would amount to an unwarranted infringement upon the petitioner's right to livelihood and lawful financial dealings.

9. Having bestowed anxious consideration to the rival submissions and upon perusal of the record, this Court is of the considered opinion that the interests of investigation can be adequately safeguarded by retaining hold over the disputed amount alone, while restoring operational access to the petitioner in respect of the remaining funds.

10. Consequently, it is directed that the amount presently under dispute shall continue to remain frozen/withheld, subject to further orders of the competent authority or Court. However, the petitioner shall be permitted to operate the concerned bank account for all other lawful transactions. The respondent-Bank shall ensure that only debit operations to the extent of the disputed amount remain interdicted,

whereas the account shall otherwise remain fully functional for all permissible purposes. The bank account of the petitioner, particulars whereof are mentioned in para No.1 of this order, shall accordingly stand de-frozen.

11. The Superintendent of Police concerned is directed to forthwith communicate the present order to the competent officer of the concerned Bank and ensure compliance without avoidable delay, so that the account is made operational in terms of this order expeditiously.

12. With the aforesaid directions, the instant writ petition stands disposed of. The stay application, if any, also stands disposed of.

13. All pending applications, if any, are likewise disposed of.

(FARJAND ALI),J