2026:RJ-JP:21936

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 7304/2026

Santosh Kumar Sihag S/o Birbal Ram Sihag, Aged About 29 Years, R/o Rawla Ka Mohalla, Kerpura, District Sikar (Raj.)

----Petitioner

Versus

1. State of Rajasthan through Principal Secretary, Department of Home, Secretariat, Jaipur.
2. Dy. Inspector General, Cyber Crime, Rajasthan, Jaipur
3. Au Small Finance Bank, Branch Khandela District Sikar Through Branch Manager

----Respondents

For Petitioner(s)	:	Mr. Dharmendra Fageriya
For Respondent(s)	:	Ms. Devakriti Vashishtha, AAAG with Ms. Sunita Meena, AGC for Mr. Bhuwnesh Sharma, AAG Mr. Dikshant Jain

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HON'BLE MR. JUSTICE MANEESH SHARMA

Order

22/05/2026

1. The present writ petition has been filed with the following prayers:

> "*It is therefore, most humbly prayed that this Hon'ble Court may graciously be pleased to accept and allow this writ petition; and further be pleased to direct the respondents to de-freeze the saving account number 2401219457016254 with the Respondent AU Small Finance Bank Branch at Khandela District, Sikar IFSC Code AUBL0002194 and allow the petitioner to make transaction in its bank account regularly.*
> *Any other order/direction/relief which this Hon'ble Court deems proper in the facts and circumstances of the case may also be passed in favour of the petitioner along with cost.*"

2. Learned counsel for the petitioner submits that the petitioner has never misused his bank account for the purpose of illegal transactions and has not committed any cyber crime. He further submits that the petitioner is ready and willing to cooperate with the Investigating Agencies and will appear before the Bank Authorities and the Investigating Agencies as and when called

upon. He therefore prays that the disputed amount, which has been received in the petitioner's account, may be frozen, but that the amount other than the disputed amount may kindly be allowed to be withdrawn. He further prays that the petitioner may be allowed to operate his bank account for the transaction of money.

3. *Per contra*, learned counsel for the respondent-Bank submits that the bank account of the petitioner has been frozen in pursuance of the notice received from *Dy. Inspector General, Cyber Crime, Jaipur*. Learned counsel for the respondent-Bank also submits that, as per information received, the disputed amount is Rs.37,171/- and further submits that the petitioner may be directed not to discontinue the bank account until the investigation is completed or the criminal case is decided.

4. Learned counsel for the petitioner agrees with the submissions made by learned counsel for the respondent-Bank.

5. Learned counsel for the respondent vehemently opposes the said submissions and submits that the bank account of the petitioner was frozen on account of complaints lodged on NCRP portal by the respective authorities. Although, learned counsel for respondent submits that the disputed amount in relation to the complaint lodged at *Dy. Inspector General, Cyber Crime, Jaipur* in layer 3 is Rs.37,171/-.

6. Having heard learned counsel for the parties and in view of the submissions so made, this Court is of the considered view that merely because certain amount has been transferred to the petitioner's bank account in spite of the fact that the petitioner is

not involved in fraudulent transaction/illegal activity/or a cyber crime, the act of freezing of the entire bank account and imposing complete restriction on transactions is seriously prejudiced to the rights of the petitioner, at the most the bank can keep lien on the amount to the extent it relates to the receipt(s) of offense/disputed amount/amount credited. However, the respondent-Bank should allow the petitioner to operate their bank account over and above such amount in accordance with the law. Therefore, this writ petition is disposed of with a direction to the respondent-Bank to de-freeze the bank account No. 2401219457016254 with Au Small Finance Bank, of the petitioner, and he may be allowed to operate transactions in his bank account, while freezing only the amount of Rs.37,171/-, which is allegedly involved in the alleged fraudulent transaction.

7. It is made clear that the petitioner will co-operate with the Bank Authorities and the Investigating Agencies and will appear before them as and when required. It is also ordered that the petitioner shall not close or discontinue his bank account till the Investigating Agencies and Bank Authorities permit the petitioner to do so. It is further ordered that, after the investigation, if the petitioner is found to be involved in any illegal transaction, he shall be liable to pay the amount involved in the illegal transaction and will face the enquiry/investigation as per law.

8. All other pending application(s), if any, shall stand disposed of accordingly.

(MANEESH SHARMA),J

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