



[2026:RJ-JP:23947]

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S. B. Civil Writ Petition No. 5036/2026
URN: CW / 10993U / 2026

Jinat Bano W/o Mohmmad Anwar, aged about 35 years, Resident of Mohmmad Nagar near Karin Nagar Kho Nagoriyan Jagatpura, Jaipur.

-----Petitioner

Versus

1. State Bank of India, Branch Jagatpura Bypass Luniyawas Jaipur, Rajasthan Through its Manager.
2. Deputy Inspector General, Cyber Crime, Police Head Quarters, Rajasthan.

-----Respondents

For Petitioner	:	Mr. Sabir Ali Advocate.
For Respondents	:	Ms. Devakriti Vashishtha Advocate with Ms. Sunita Meena, Additional Government Counsel on behalf of Mr. Bhuwnesh Sharma Additional Advocate General. Mr. Laxmikant Advocate on behalf of Ms. Anita Agarwal Advocate.

HON'BLE MR. JUSTICE ANAND SHARMA
Judgment

REPORTABLE

30/06/2026

1. This writ petition has been filed by the petitioner seeking issuance of directions against Respondent No. 1-State Bank of India to defreeze her bank account and has made following prayers:

"It is therefore most respectfully and humbly prayed from this Hon'ble Court that this Writ Petition may please be allowed. It is further prayed that:

- (i) To pass an appropriate writ order or direction, whereby Respondents be directed to immediately unfreeze the bank account no. [REDACTED] maintained with respondent no. 1 State bank of India Branch Jagatpura bypass Luniyawas Jaipur.
(ii) Any other order which this Hon'ble Court may deem fit in the facts and circumstances of the case may also be passed."*

2. Facts of the case in brief are that the petitioner is bonafide holder of Bank Account No. [REDACTED] (the said bank account



shall be hereinafter referred to as 'the bank account in question') maintained with Respondent No. 1-State Bank of India, Branch Jagatpura Bypass, Luniyawas, Jaipur. However, when the petitioner was not able to operate her bank account, she contacted bank officials and she was informed that her bank account has been frozen. The petitioner has not been served with any FIR or lawful directive which shows petitioner's involvement in any wrongful act.

The petitioner made all endeavours to defreeze her bank account but she was unable to get any relief. Left with no other option, the petitioner has filed instant writ petition praying for the aforesaid relief.

3. Learned counsel for the petitioner submitted that the bank account in question has been frozen by the respondent-bank on account of alleged transaction of Rs. 560/- (the said amount shall be hereinafter referred to as 'the amount in question') and freezing of the petitioner's bank account is arbitrary and disproportionate. It was argued that a bank account is an essential instrument for carrying on daily financial affairs and livelihood and, therefore, cannot be frozen mechanically merely because an investigation is pending. According to learned counsel, the respondents have failed to establish any prima facie nexus between the account and the alleged offence. It was further contended that even if a particular transaction is under suspicion, the respondents could, at the best, restrain the disputed amount and not freeze the entire account, thereby depriving the petitioner of access to undisputed funds and adversely affecting her financial and business activities.

4. Per contra, learned counsel for the respondents submitted that freezing of the account is a lawful investigative measure undertaken to preserve funds suspected to be connected with the



offence under investigation. It was argued that at the stage of investigation, the agency is only required to demonstrate reasonable grounds for suspicion and not to establish guilt conclusively. Learned counsel further contended that economic and cyber offences often involve rapid movement of funds, necessitating immediate preventive action. The impugned measure, according to the respondents, is temporary in nature and intended solely to facilitate a fair and effective investigation, warranting no interference in exercise of writ jurisdiction.

5. This Court carefully heard the rival arguments advanced by learned counsel for the parties and meticulously examined the record.

6. Needless to observe that the power of freezing of a bank account during investigation undoubtedly constitutes a legitimate tool available to the investigating agency for preserving suspected proceeds of crime and securing the interests of a fair investigation. However, such power is not unqualified. The exercise thereof must satisfy the requirements of legality, necessity and proportionality. A bank account in contemporary times is not merely a repository of funds; rather admittedly it serves as an indispensable instrument through which an individual conducts day-to-day financial affairs, receives earnings, discharges contractual obligations and sustains livelihood. Any restraint upon its operation, therefore, carries serious civil consequences and directly impacts the proprietary and economic rights of the account holder.

7. The Court is conscious that the object of freezing an account is to prevent unsafe use of funds allegedly connected with the commission of an offence. Nevertheless, the existence of an investigation by itself cannot furnish a sufficient basis for freezing



every account remotely associated with a suspect transaction. Before such drastic action is undertaken, the investigating agency must possess tangible material disclosing a prima facie connection between the account sought to be frozen and the alleged criminal activity under investigation. The jurisdiction to freeze cannot be exercised on conjectures, generalised suspicions or as a matter of administrative convenience.

8. Equally important is the principle that the extent of restraint imposed must bear a reasonable relationship with the object sought to be achieved. The law does not countenance excessive restrictions which travel beyond the necessities of investigation. Where the amount allegedly connected with the offence is identifiable and capable of being segregated, there ordinarily exists no justification for rendering the entire account inoperative. To deprive an account holder of access even to undisputed funds would amount to imposing a burden disproportionate to the investigative purpose sought to be served.

9. The doctrine of proportionality, now firmly embedded in constitutional jurisprudence, requires every State action affecting individual rights to adopt the least restrictive measure capable of achieving the intended objective. Consequently, where preservation of a specified amount would sufficiently safeguard the interests of investigation, freezing the entirety of the account would constitute an excessive exercise of power. Investigative efficacy and protection of individual rights are not mutually exclusive considerations; both must be harmoniously balanced.

10. This Court is further of the opinion that indiscriminate freezing of bank accounts has the potential to inflict consequences extending far beyond the criminal proceedings themselves. Such



action may disrupt business operations, impede payment of statutory dues, prevent discharge of contractual liabilities and adversely affect the livelihood of the account holder and those dependent upon him.

These consequences underscore the necessity for a careful and alibrated exercise of power rather than a blanket prohibition upon operation of the account.

1. This Court finds that similar view has been taken by Co-ordinate Bench of this Court at Principal Seat Jodhpur in the case of **Shwetambari Vikram Bhatt vs. State of Rajasthan & Others (S.B. Criminal Writ Petition No. 1081/2026 & another connected petition decided on 19.03.2026)**, wherein the Co-ordinate Bench has held as under:-

"5.1 No doubt, the statutory framework empowers the investigating agency to request the concerned Bank to freeze a bank account during the pendency of investigation and to forthwith intimate such action to the jurisdictional Court. However, such power is neither unfettered nor capable of being exercised in an unbridled or mechanical manner. The authority to interdict the operation of a bank account is an extraordinary measure, which must be invoked sparingly, with due circumspection, and strictly in consonance with the safeguards enshrined under law. The freezing of an account cannot be permitted to continue indefinitely or perpetually without apprising the account holder of the reasons necessitating such action, the nature of allegations, the extent of freezing, and the duration thereof. Any action to the contrary would not only offend the principles of natural justice but would also result in manifest arbitrariness.

*5.2 The freezing of a citizen's bank account, in the absence of cogent and justifiable reasons and without establishing even a prima facie nexus between the said account and the commission of a cognizable offence, amounts to a grave, unwarranted and excessive intrusion into the sacrosanct fundamental rights guaranteed under the Constitution. Such an action, if undertaken in a routine, cavalier or mechanical manner, has the effect of crippling the financial autonomy of an individual and strikes at the very root of the right to life and personal liberty under Article 21, which has been expansively interpreted to include the right to livelihood, dignity, and economic freedom. It also directly impinges upon the freedom to carry on trade, occupation and business guaranteed under Article 19(1)(g) of the Constitution of India. The Hon'ble Supreme Court in **Maneka Gandhi v. Union of India** reported in 1978 AIR 597 has categorically held that any procedure which deprives a person of life or liberty must be just, fair and reasonable, and not arbitrary, fanciful or oppressive. The power to freeze a bank account, therefore, being drastic in nature, must be exercised only upon recording reasons which demonstrate a live, proximate and direct nexus between the*





account sought to be frozen and the alleged criminal activity. Any freezing order passed dehors such essential safeguards would be nothing but a colourable exercise of power, vitiated by arbitrariness, and liable to be struck down.

6. In the case at hand, though it is not in dispute that only a certain quantified amount is alleged to be the subject matter of investigation and the same has been kept on hold, yet, by virtue of a blanket and sweeping direction issued by the investigating agency, the respondent-Banks have proceeded to freeze the bank accounts of the petitioners in their entirety. Such an omnibus freezing order has resulted in grave, disproportionate and far-reaching civil consequences. The petitioners have been rendered completely incapacitated from operating their bank accounts, thereby depriving them of access to their own legitimate funds. The cascading effect of such freezing is not merely confined to inconvenience but extends to severe financial distress and existential hardship. The petitioners are unable to meet their day-to-day household expenses, discharge their financial obligations, pay salaries to employees, honour business commitments, service loans, or even meet essential expenditures such as medical needs, education expenses, and basic sustenance. The freezing of the entire account effectively severs the economic lifeline of the petitioners, bringing their financial and professional activities to a grinding halt.

7. The Court cannot remain oblivious to the ground realities that in the present era, a bank account is not a mere repository of money but the very bloodstream of an individual's economic existence. To freeze the entire account without justification is akin to throttling the financial breath of a person, leaving them in a state of helplessness and undue hardship, which the law neither contemplates nor countenances.

8. Upon due consideration of the submissions advanced by learned counsel for the parties and a careful perusal of the material available on record, this Court is of the considered view that the ends of justice would be adequately met if a balanced and proportionate approach is adopted. While the interest of the investigation must be safeguarded, the fundamental rights of the petitioners cannot be sacrificed at the altar of an unreasoned and excessive exercise of power.

9. Accordingly, it is directed that the amount in dispute i.e., ₹30 crores, as identified by the investigating agency, shall continue to remain under freeze. However, the petitioners shall be permitted to operate their bank accounts for all other lawful transactions."

12. Therefore, while the authority of the investigating agency to secure suspected proceeds of crime cannot be doubted, the exercise of such authority must remain confined to what is reasonably necessary in the facts of a given case. The investigative process cannot be permitted to become punitive in character before adjudication of guilt. Preservation of evidence and protection of individual rights must proceed hand in hand. Any order freezing a





bank account must, therefore, disclose a rational nexus with the alleged offence, be founded upon objective material and remain proportionate in its operation so that only such restraint as is genuinely required for the purposes of investigation is imposed.

3. Accordingly, while balancing the requirements of a fair investigation with the petitioner's right to access and operate her legitimate funds, the present writ petition is disposed of with the following directions:

(i) Respondent-bank shall forthwith remove the debit freeze/restriction imposed upon the bank account in question and permit the petitioner to operate the bank account in question in the ordinary course.

(ii) Respondent-bank shall, however, continue to maintain a lien or restraint only to the extent of the amount in question, which is alleged to be connected with the transaction under investigation and the petitioner shall not be entitled to withdraw, transfer or otherwise deal with the amount in question without permission of the competent authority.

(iii) The petitioner shall extend full cooperation to the investigating agency and appear before the concerned authorities as and when called upon to do so for the purpose of investigation.

(iv) The petitioner shall maintain the bank account in question in active status and shall not close, surrender or otherwise discontinue the same without prior intimation to and permission from the investigating agency till conclusion of the investigation.

(v) It is clarified that the present order shall not be construed as an expression on the merits of the allegations under investigation. The investigating agency shall remain at liberty to proceed in accordance



with law and take such action as may be warranted on the basis of material collected during investigation.

(vi) In the event, the investigation ultimately reveals the petitioner's involvement in the alleged offence or establishes that the amount in question constitutes proceeds of the unlawful transaction, it shall be open for the competent authority to deal with the amount in question and take consequential action strictly in accordance with law.

(vii) It shall further be open to Respondent-bank and the investigating agency to deal with or transfer the amount in question in accordance with any lawful direction issued by the competent authority having jurisdiction in the matter.

14. All pending applications, if any, shall stand disposed of.

(ANAND SHARMA),J

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