

Sr. No. 236

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M No. 43928 of 2015
Date of decision: 25.07.2016**

Jagmit Singh

...Petitioner

Vs.

State of Punjab & Others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present : Mr. Parmod Kumar Chauhan, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana
for respondent Nos. 2, 4 and 6.

Mr. J. S. Sekhon, AAG, Punjab
for respondent Nos. 3 and 5.

Mr. D. K. Singal, Advocate
for respondent Nos. 7 and 8.

JASPAL SINGH, J. (Oral)

This is a petition preferred by the petitioner under Section 482 Cr.P.C. seeking direction to the respondent No. 1 to 6 to take legal action against respondent No. 7 who forcibly recovered the vehicle of the petitioner bearing registration No. PB-02-BN-9815 while it was transporting commercial assignment on 07.12.2015.

In response to the notice of motion, replies by way of affidavit of Mr. Ganga Ram Punia, IPS, Assistant Superintendent of Police (HQ) Fetehabad and short affidavit

of Dr. Richa Agnihotri, PPS, Assistant Commissioner of Police, East, Amritsar City have been filed on behalf of official respondents.

A glance at the aforesaid reply submitted by the State of Haryana reveals that an inquiry was conducted, during which, it was found that a sum of ₹ 59,935/- is outstanding against the petitioner as on 07.12.2015 towards Cholamandlam Investment Finance Company Limited (*for short 'the Company'*) and further that the allegations are without any substance.

Similarly, a perusal of the reply submitted by the State of Punjab reveals that no incident has taken place within the territorial jurisdiction of the State of Punjab rather the petitioner had hypothecated the vehicle in question with the Company. He committed default in paying the installments against the loan advanced to him. As a result of default, the agents of Company recovered the vehicle from petitioner in the area of District Fatehabad (Haryana). Moreover, no complaint or application has been moved to the Office of Commissioner of Police, Amritsar by any aggrieved person.

In view of above narrated facts, the instant petition has rendered infructuous and the same is disposed of as such.

However, the petitioner would be at liberty to have recourse to other remedies available to him in accordance with law.

It is also made clear that any observations, made in this order, shall have no bearing on the other proceedings.

July 25, 2016
waseem

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No