

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

CRM-M-34800 of 2018.

Decided on:-August 13, 2018.

Union Bank of India, Chandigarh.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Shailender Kashyap, Advocate
for the petitioner.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for issuance of a direction to respondent No.2 to take legal action on the complaint dated 02.08.2018 (Annexure P-4) submitted by the petitioner-bank.

Learned counsel for the petitioner has argued that the petitioner bank had given cash credit limit of Rs.33 Crore, term loan of Rs.27 lakh and another term loan of Rs.73 lakh to M/s Mahabir Techno Limited, Umri, District Kurukshetra. The director as well as guarantor of the company executed the loan documents in favour of the petitioner bank to obtain the credit facility. However, when the loanee did not return the amount, the bank had initiated proceedings under the SARFEASI Act regarding which the matter is pending before the Debt Recovery Tribunal, Chandigarh. However, during the pendency of DRT proceedings, the accused have started removing the machinery which is already hypothecated with the petitioner bank. The borrower and guarantor have no right to remove a plant and the machinery

without the permission of the petitioner bank. The petitioner has submitted a representation dated 02.08.2018 (Annexure P-4) to respondent No.2-Superintendent of Police, Kurukshetra.

Notice of motion.

On asking of this Court, Mr. Ashok S. Chaudhary, Addl. A.G., Haryana accepts notice on behalf of the respondents.

Let requisite number of copies of paper book be given to learned State counsel during the course of the day.

Heard.

Without making any observation as regard the claim so set up by the petitioner-bank, but considering the fact that there are allegations against the accused that they are removing the hypothecated property, the present petition is disposed of with a direction to respondent No.2 to look into the contents of representation (Annexure P-4) and to act in accordance with law.

August 13, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No