

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17113-2019 (O&M)

Date of Order: 12.04.2019

Balwinder Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shakti Bhardwaj, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

Petitioner has filed this petition with the following prayers:-

“Criminal Misc. Petition u/s 482 of Criminal Procedure Code, 1973 with a prayer of directing the respondents no.1 to 4 to take appropriate legal action against respondent nos.5 and 6, who is trying and making an attempt to forcibly take away the Truck/vehicle of the petitioner bearing registration number (PB 05AB 8111) with the help of recovery agents and henchemen while it was running on road, despite the fact that the petitioner is regularly paying the loan amount, as this conduct of respondent nos.5 and 6 is against the mandate of constitutional bench of Hon'ble Apex Court in “Citicorp Maruti Finance Ltd. vs. Sviyalakshmi 2012(1) SCC 1” and in ICICI Bank Ltd. vs. Parkash Kaur and others (IT 2007(4) SC 39) and by this Hon'ble Court in Narinder

Kumar Singla vs. State of Punjab (2006(3) RCR 890).
M/s Sundaram Finance Ltd. vs. Raj Kumar and others
2011(4) RCR(Crl.) 890.

AND

Further during the pendency of the present petition respondents are restrained from forcible recovering the vehicle bearing registration No.PB 05 AB 8111 of the petitioner.

Further issue any other order or direction as this Hon'ble Court may deem fit according to facts and circumstances of the present case in the interest of justice.”

In the considered view of this court, petitioner is required to be relegated to the remedy before the concerned Judicial Magistrate.

Disposed of accordingly.

April 12, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No