

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

116.

CRM-M No.60911 of 2023

Date of Decision:04.12.2023

Sunil Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. seeking direction to respondents No.1 to 3 to take appropriate legal action against respondent No.6, who has forcibly taken away the truck owned by the petitioner bearing registration No.PB-13-BN-5572 with the help of recovery agents.

2. Learned counsel for the petitioner contends that respondent No.6-Mandeep Singh has taken the possession of the aforesaid vehicle owned by the petitioner on 26.11.2023, which is contrary to the law laid down by the Hon'ble Supreme Court in *ICICI Bank Ltd. Vs. Parkash Kaur and others JT 2007 (4) SC 39*. It is further contended that the petitioner was in default of three installments and in November, 2023, he has paid ₹2,50,000/- and is further making endeavours to clear all pending installments. Respondent No.6 cannot take possession of the vehicle of the petitioner forcibly except in accordance with the procedure established by law. It is also contended that the guidelines on Fair Practices Code of the respondent-Bank (Annexure P-18) specifically stipulate that in the matter of recovery of loans, the bank would not resort to undue harassment or

use of force of recovery and the enforcement of security would be only as per law.

- 3. Notice of motion to official respondents only.
- 4. Ms. Navreet Kaur Barnala, AAG, Punjab, who is present in Court, accepts notice on behalf of the official respondents.
- 5. I have heard learned counsel for the parties and perused the paper book. With the consent of parties, the case is taken up for final disposal.
- 6. Keeping in view the fact that the petitioner undertakes to clear all pending intallments, the official respondents are directed to restore the possession of the vehicle in question to the petitioner within a week and the petitioner is directed to clear all the pending installments within six weeks from today and thereafter, he will continue to pay the remaining installments without any default. As per the undertaking given by the petitioner, he shall pay the balance amount as per the directions given by this Court, failing which he will surrender the vehicle to private respondents on expiry of aforesaid period of six weeks.
- 7. The instant petition stands disposed of in above terms.

(HARPREET SINGH BRAR)
JUDGE

December 04, 2023
Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No