

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

CRM-M-5227-2024

DECIDED ON: 01.02.2024

GURPAL SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

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

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 482 Cr.P.C., has been invoked for issuance of directions to respondents No. 1 to 3 to take appropriate legal action against respondents No.4 and 5 who are trying and making an attempt to forcibly take away the vehicle of the petitioner bearing registration No. PB-06-BC-2685 with the help of recovery agents and henchmen.

2. The brief facts of the case are that the petitioner purchased vehicle bearing registration No. PB-06-BC-2685 by taking loan from respondents No. 4 and 5 on 17.05.2022. The vehicle was financed by respondent No. 4 through its Branch i.e., respondent No. 5. The financed amount was Rs.20,00,000/- and the same was to be repaid in 59 monthly installments of Rs.46,805/- The loan summary prepared by petitioner on the basis of account statement dated 15.06.2022 is attached as Annexure P-1. The petitioner was regularly paying the installments but due to restructuring the petitioner is being harassed unnecessarily and due to COVID-19 pandemic the petitioner could not pay the installments due to financial difficulty arose because the petitioner's work suffered a severe blow. That during pandemic also petitioner paid the installments. This reflects that petitioner is a bonafide person

and could not pay the installments only on account of compelling circumstances arising due to the pandemic. Learned counsel for the petitioner further contends that now the recovery agents of respondents No. 4 and 5 are making desperate attempts to recover the vehicle bearing registration No. PB-06-BC-2685.

3. The Hon'ble Supreme Court recently vide its judgment dated 26.02.2007 in case titled as *Manager, ICICI Bank Ltd. V/s Prakash Kaur and others* deprecated and denounced the practice of forcibly taking possession. The observation of Hon'ble Apex Court is as follows:-

"In conclusion, we can say that we are governed by a rule of law in the country. The recovery of loans or seizure of vehicles could be done only through legal means. The bank can not employ Goondas to take possession by force."

4. Notice of Motion.

5. Mr. H.S. Sitta, DAG, Punjab, puts in appearance on receipt of advance notice of the present petition.

6. With the consent of the parties, the present case is taken up for final disposal in view of settled law. The Senior Superintendent of Police, District Amritsar (Rural)- respondent No. 2 is directed to take all necessary steps to ensure that there is no obstruction in plying of the vehicle of the petitioner at the behest of respondents No. 4 and 5.

7. Learned State counsel submits that it is duty of the State to protect the life and liberty of every citizen and to ensure that the rule of law is maintained.

8. Disposed off in above terms.

(SANDEEP MOUDGIL)
JUDGE

01.02.2024
Sham

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