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

CRM-M-5911-2024

Date of decision: 05.02.2024

Sushil Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C. for issuance of directions to respondents No.1 to 3 to take appropriate legal action against respondents No.4 and 5 who are trying to take forcible possession of vehicle number PB-13-BQ-7372 with the help of recovery agents.

2. The counsel for the petitioner submits that petitioner purchased the said vehicle by taking loan from respondents No.4 & 5. That the entire loan is already repaid by the petitioner except for amount of Rs.3,73,000/- and that the petitioner is ready to pay the said balance amount in two installments.

3. Notice of motion.

4. Mr. J.S. Guru, AAG, Punjab, accepts notice on behalf of respondents No.1 to 3 and submits that it is the duty of the State to ensure that the rule of law is maintained.

5. It is settled position of law, that the recovery of loans or seizure of vehicle could be done only in due course of law. The finance company cannot take forcible possession of the vehicle of the petitioner with the help of *Goondas*.
6. The petitioner is directed to 50% of the balance due amount within next one month and the remaining balance amount within one month thereafter. In the meantime, 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 & 5.
7. In case, the petitioner fails to deposit the aforesaid amount within stipulated period, then the present petition will construed to have been dismissed.
8. The present petition is disposed of in aforesaid terms.

05.02.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No