

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-5638-2024
Date of decision: 02.02.2024

SIMRANJEET SINGHPETITIONER(S)

Versus

STATE OF PUNJAB AND OTHERS ...RESPONDENT(S)

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

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

SANJIV BERRY, J.(ORAL)

1. The present petition has been filed U/s 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 and making an attempt to forcibly take away the vehicle of the petitioner bearing registration No. PB 11 DD 4772 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 11 DD 4772 by taking loan from respondents No. 4 and 5 on 08.06.2023. The vehicle was financed by respondent No. 4 through its Branch i.e., respondent No. 5. The financed amount was Rs.21,50,000/-. The same was to be repaid in 72 monthly installments of Rs.42,350/- The loan summary prepared by petitioner on the basis of account statement is attached as Annexure P-1. The petitioner was regularly paying the installments but only two installments of Rs.87,912/- is outstanding as on date which the petitioner intends to pay in

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3. Learned counsel for the petitioner contends that now the recovery agents of respondents No. 4 and 5 are making desperate attempts to recover the vehicle bearing registration No. PB-11-DD-4772. The Hon'ble Supreme Court recently vide its judgment dated 26.02.2007 passed 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. On the asking of the Court, Mr. Sarabjit Singh Cheema, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondents-State.

6. After hearing the respective submissions and also the averments made in the petition by learned counsel for the petitioner, without commenting on the purpose of the case, the present petition is disposed of with a direction to respondent No.2- Senior Superintendent of Police, District Patiala, to consider and dispose of the representation dated 09.01.2024 (Annexure P-2) moved by the petitioner in accordance with law in an expeditious manner and the decision so taken be also intimated to the petitioner as well.

7. Disposed of.

8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

02.02.2024

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |