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

2024:PHHC:092820



**CRM-M-34841-2024
DECIDED ON: 23.07.2024**

Gurvinder 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 has been invoked under Section 528 of BNSS 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 CN-7341 with the help of recovery agents and henchmen.

2. The brief facts of the case are that the petitioner purchased vehicle in question by taking loan from respondents No.4 and 5 on 07.9.2019. The vehicle was financed by respondent No.4 through its Kapurthala Branch. The petitioner paid all the installments till 09.01.2024. However, despite the fact that the substantial amount has already been paid, the respondents in their closure application stated that principle amount of Rs.78,928/- is due. The petitioner deposited the said amount as well i.e. Rs.28000/- on 11.09.2023, Rs.28000/- on 31.10.2023. However, still various amount is stated to be due against the petitioner which is not accountable and clear. The account statement dated 02.08.2023 is attached as Annexure P-2 and receipts dated 11.9.2023 and

31.10.2022 are attached as Annexure P-3 and Annexure P-4. Learned counsel contends that no the recovery agents of respondents No.4 and 5 are making desperate attempts to recover the said vehicle.

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

"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.Rajiv Verma, 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 Tarn Taran-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 of in the above terms.

(SANDEEP MOUDGIL)
JUDGE

23.07.2024
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No