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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3439-2025
DECIDED ON: 23.01.2025

RAJESH KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS, 2023 with a prayer of directing the directing the respondent no.1 to 3 to take appropriate legal action against respondent no. 4 and 5 who forcibly recovered Truck/vehicle of the petitioner bearing registration number (RJ 27 GB 4152) with the help of recovery agents and henchmen while it was running on road, as this conduct of private respondents no.4 and 5 is against the mandate of Constitutional Bench of Hon'ble Apex court in "*Citicorp Maruti Finance Ltd. V/s S Vijayalakshmi 2012(1) SCC 1*" and in "*ICICI Bank Ltd. Vs Parkash Kaur and others (IT- 2007(4) SC 39)*, and by this Hon'ble Court in *Narinder Kumar Singla Vs State of Punjab (2006 (3) RCR 890)*. *M/s Sundaram Finance Ltd v/s Raj Kumar & others 2011 (4) RCR (Crl) 890*.

Learned counsel for the petitioner would submit that only one installment was due and the total amount including the default payment if calculated up to date would come to Rs.76,000/-. He further submits that the petitioner is ready and willing to deposit the said amount without any objection or reason.

Notice of motion.

Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State.

Learned counsel for the petitioner undertakes before this Court that the amount of Rs.76,000/- would be deposited within one week from today. In case of doing so, the vehicle in question shall be released forthwith. At the same time the accounts be settled if the assertions of the petitioner are found to be true qua the due amount.

The Senior Superintendent of Police, Ferozepur is directed to get the vehicle released subject to compliance with the undertaking and willingness shown before this Court at the behest of petitioner.

The petition stands disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

23.01.2025

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>