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

CRM-M-8235-2025

Date of decision: 14.02.2025

Swaran Singh

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Karan Bhardwaj, Advocate
for the petitioner.

Mr. Subhash Godara, Addl.A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking issuance of directions to respondents No.1 to 3 to take appropriate legal action against respondents No.4 & 5 who are trying and making an attempt to forcibly take away the vehicle of the petitioner bearing registration No. PB 05 AB 2862 with the help of recovery agents and henchmen.

Brief facts of the case are that the petitioner purchased the vehicle bearing registration No. PB 05 AB 2862 by taking loan from respondents No.4 & 5. The financed amount of the vehicle was Rs.16,37,220/- which were to be paid from 06.03.2020 to 04.07.2026 in 77 monthly installments. It is further alleged that the petitioner has already paid 46 installments. Thereafter, an installment amounting to Rs.1,10,000/- was paid on 04.12.2024 and only one installment is overdue till date. Further, the petitioner has paid the substantial amount, however, the respondents are adamant to recover the vehicle forcibly



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only because two installments are due which has occurred on account of severe slump in transport business of the petitioner.

Learned counsel for the petitioner submits that now the recovery agents of respondents No.4 & 5 are making desperate attempts to recover the vehicle bearing registration No. PB 05 AB 2862. He further submits that on 10.12.2024, the branch manager asked the petitioner to park the vehicle with the company or else they would recover it forcibly through their recovery agents.

The Hon'ble Supreme Court recently 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 forcible taking possession. The observation of the 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.'

Notice of motion.

Mr. Subhash Godara, Addl.A.G., Punjab puts in appearance on receipt of advance notice on behalf of the official respondents-State.

With the consent of the parties, the present case is taken up for final disposal in view of the 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 & 5.



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

However, the petitioner is directed to pay the outstanding amount within a period of two weeks from today and he would continue to pay the pending EMIs on the due date and in case, the petitioner makes any default, respondents No.4 & 5 would be at liberty to take necessary steps in accordance with law.

The present petition is disposed of accordingly.

(HARPREET SINGH BRAR)
JUDGE

14.02.2025

Neha

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