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

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**CRM-M-14471-2025
Decided on:26.03.2025**

Naresh Kumar**...Petitioner****Versus****State of Punjab and others****...Respondents****Coram : Hon'ble Mr. Justice Rajesh Bhardwaj**

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

Rajesh Bhardwaj, J. (Oral)

1. The present petition has been filed under Section 528 of the BNSS, 2023, for issuance of directions to respondent nos.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.PB04-AF-0333 with the help of recovery agents and henchmen.

2. Learned counsel for the petitioner submits that the petitioner purchased vehicle bearing registration No.PB04-AF-0333 by taking loan from respondents no.4 & 5. The vehicle was financed by respondent no.4 through its Branch, i.e. respondent no.5. The financed amount was Rs.34,95,000/-, which was to be repaid in 60 monthly instalment of Rs.75,057/-. The petitioner was regularly paying the instalments but was unable to pay only two instalments in time due to financial difficulty. He submits that the petitioner is a *bona fide* person and could not pay the due instalments only on account of compelling circumstances arising due to his poor financial condition. He further contends that now the recovery agents of respondents no.4 & 5 are

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making desperate attempts to forcibly recover the vehicle bearing registration No.PB04-AF-0333.

3. The Hon'ble Supreme Court recently vide its judgment dated 26.02.2007 rendered in the case of **Manager, ICICI Bank Ltd. vs. Prakash Kaur and others**, deprecated and denounced the practice of forcibly taking possession of the vehicle. The observation of Hon'ble the 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 asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of respondents no.1 to 3.

6. Without entering upon an exercise to evaluate the evidentiary value of the documents placed on the file, I dispose of the petition with a direction to respondent no.2- Senior Superintendent of Police, Pathankot to take all necessary steps to ensure that there is no obstruction at the behest of respondent no.4 & 5 in plying of the vehicle by the petitioner.

7. It is clarified that this order shall not be taken to grant immunity to the petitioner from legal action for violation of law, if any, committed by him and the respondents are free to take legal recourse in case of their having any survival grievance.

March 26, 2025
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(Rajesh Bhardwaj)
Judge

Whether Speaking/Reasoned: NO/YES
Whether Reportable: NO/YES