

2025:PHHC:042188



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

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**CRM-M-16941-2025
Decided on:27.03.2025**

Naveen

...Petitioner

Versus

State of Punjab and others

...Respondents

Coram : Hon'ble Mr. Justice Rajesh Bhardwaj

Present: Mr. Parvesh Kumar Banwal, 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 to 6, who have forcibly taken away the vehicle of the petitioner bearing registration No.HR69-F-4310 with the help of recovery agents and henchmen.

2. Learned counsel for the petitioner submits that the petitioner purchased vehicle bearing registration No.HR69-F-4310 by taking loan from respondents no.4 to 6. The vehicle was financed by respondent nos.4 to 6 and the financed amount was Rs.8,55,842/-, which was to be repaid in 60 monthly instalment of Rs.21,740/-. The petitioner was regularly paying the instalments and has already paid the substantial amount 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 the recovery agents of respondents no.4 to 6 have forcibly taken away his vehicle bearing registration No.HR69-F-4310, without resorting to their legal remedies. He further submits that the petitioner has also made a

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representation dated 08.03.2025 to respondent no.2 but no action has been taken for redressal of his grievance.

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. Sumit 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, Rupnagar, to decide the representation of the petitioner dated 08.03.2025 pending before him and take necessary action in accordance with law against the erring persons who have allegedly taken the law in their hands by forcibly taking away vehicle of the petitioner, without any resort to law.

8. 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 27, 2025
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(Rajesh Bhardwaj)
Judge

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