



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

120

CRM-M-22160-2025(O&M)

Date of Decision: 29.04.2025

VARINDER SINGH

....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

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

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 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-04-AF-1237 with the help of recovery agents and henchmen.

2. The brief facts of the case are that the petitioner purchased vehicle bearing registration No.PB-04-AF-1237 by taking loan from respondents No. 4 and 5. The financed amount was Rs.32,80,811/-. The amount disbursed is of Rs.31,88,675/-. The monthly EMI amounting to Rs.71,169/-. The instalments were to be paid in 59 monthly instalments. Only an amount of Rs.1,37,728/- is pending towards petitioner. Petitioner has paid Rs.15,70,328/- and Rs.10,24,510/- as principle and Rs.5,45,818/- as interest. The account statement dated 10.04.2025 is attached as Annexure P-1. The petitioner was regularly paying the instalments but due to some financial difficulty, he could not arrange for the money to pay the instalments. Learned counsel for the petitioner further contends that now the recovery agents of respondents No. 4 and 5 are making desperate attempts to recover the vehicle bearing registration No.PB-04-AF-1237. The threat was not



merely oral and on 01.04.2025, the recovery agent of the respondents no.4 & 5 along with three more armed men stopped the vehicle while he was taking a commercial consignment and tried to forcibly recover it, but, the petitioner somehow managed to save his vehicle.

3. It is argued by learned counsel for the petitioner that private respondents are forcibly recovering his vehicle. He is ready to pay the remaining amount due to be payable by him. Therefore, it is argued that petition may be allowed.

4. Notice of motion.

5. Ms. Ruchika Sabherwal, Sr. DAG, Punjab puts in appearance on receipt of advance notice of the present petition.

6. The matter has been taken up for final disposal with consent of the parties. It is well settled proposition of law that recovery of loan or seizure of vehicle can be done only through legal means. The private respondents, as such, cannot take the possession of the vehicle of the petitioner except in accordance with procedure established by law.

7. In view of above discussed facts, the petition is disposed with direction to respondent no.2 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 and to ensure rule of law is maintained.

7. Petition stands disposed of accordingly.

29.04.2025
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | Whether speaking/reasoned | Yes/No |
| 2. | Whether reportable | Yes/No |