



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

CRM-M-23477-2025

Date of decision: 02.05.2025

DARSHAN SINGH

....Petitioner

Versus

STATE OF HARYANA AND OTHERS

....Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Karan Bhardwaj, Advocate and
Mr. Ishaan, Advocate for the petitioner.

.....

SANJIV BERRY, J. (ORAL)

The present petition has been filed under Section 528 BNSS, 2023 for issuance of directions to respondent Nos. 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.HR 62 A 9918 with the help of recovery agents and henchmen.

2. The brief facts of the case are that the petitioner purchased vehicle bearing registration No.HR 62 A 9918 by taking loan from respondent Nos.4 and 5 on January, 2023. The vehicle was financed by respondent No. 4 through its Branch i.e., respondent No. 5. The financed amount was Rs.15,96,610/-/-. The same was to be repaid in 48 monthly installments of Rs.59,188/-. The loan summary prepared by petitioner on the basis of account statement is attached as Annexure P-1. The petitioner



was regularly paying the installments but only one installment of Rs.59,188/- is outstanding as on date which the petitioner intends to pay in accordance with law.

3. Learned counsel for the petitioner contends that now the recovery agents of respondent Nos.4 and 5 are making desperate attempts to recover the vehicle bearing registration No.HR 62 A 9918. The Hon'ble Supreme Court recently vide its judgment dated 26.02.2007 passed in case titled as *Manager, ICICI Bank Ltd. V/s Prakash Kaur and others*, deprecated and denounced the practice of forcibly taking possession. The observation of 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."

4. Notice of motion.

5. On the asking of the Court, Mr. Surender Singh, AAG, Haryana, accepts notice on behalf of the respondents-State.

6. After hearing the respective submissions and also the averments made in the petition by learned counsel for the petitioner, without commenting on the purpose of the case, the present petition is disposed of with a direction to respondent No.2- Superintendent of Police, Fatehabad, to consider and dispose of the representation dated 01.04.2025 (Annexure P-2) moved by the petitioner in accordance with law in an expeditious manner and the decision so taken be intimated to the petitioner as well.

7. Disposed of.



8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

02.05.2025
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |