



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

CRM-M-30917-2024

Date of decision: 13.01.2025

GURDEV SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for issuance of directions to respondents No. 1 to 3 to take appropriate legal action against respondent Nos.4 and 5, who are trying and making an attempt to forcibly take away the vehicle of the petitioner bearing registration No.PB 05 AL 4166, 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 05 AL 4166 by taking loan from respondent Nos.4 and 5. The financed amount was Rs.23,00,620/-. It was to be repaid from 01.09.2018 to 01.01.2026 by monthly installments. The monthly installment was Rs.40,405/-. The petitioner has paid the substantial amount and the overdue amount is of Rs.1,21,500/-. The account statement dated 12.06.2024 is attached as Annexure P-1.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has paid substantial amount, however respondents are adamant to recover the vehicle forcibly only because few installments are due, which has occurred on account of severe slump in his business. Now the recovery agents of respondents No. 4 and 5 are making desperate attempts to recover the



vehicle bearing registration No.PB 05 AL 4166. This action is in violation to the Policy of Hinduja Leyland Finance Limited (Annexure P-3) which mandates that the vehicle would not be recovered forcibly. Further, the reliance has been placed upon a judgment passed by this Court in case bearing **CRM-M No.59214 of 2023** titled as '**Ranjeet Singh vs. State of Punjab**' on 24.11.2023.

4. Mr. Gaurav Sharma, Advocate puts in appearance on behalf of respondent Nos.4 and 5 and files his memo of appearance.

5. The Hon'ble Supreme Court recently vide its judgment dated 26.2.2007 in case titled as **Manager, ICICI Bank Ltd. vs. Prakash Kaur and others JT 2007(4) SC 39** 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 vehilces could be done only through legal means. The bank can not employ Goondas to take possession by force.”

6. With the consent of the parties, the present case is taken up for final disposal in view of settled law. The Commissioner of Police, District Ludhiana-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 respondent Nos.4 and 5.

7. 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.

8. Disposed of in above terms.

(HARPREET SINGH BRAR)
JUDGE

January 13, 2025
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- (i) Whether speaking/reasoned
- (ii) Whether reportable

Yes/No
Yes/No