



**116+270 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

270-1. **CRM-M-56899-2024**
Date of Decision: **29.01.2025**

Baljit Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

and

270-2 **CRM-M-56930-2024 (O&M)**
Surender Kumar ...Petitioner

Versus

State of Haryana and others ...Respondents

and

270-3 **CRM-M-56952-2024 (O&M)**
Surender Kumar ...Petitioner

Versus

State of Haryana and others ...Respondents

and

270-4 **CRM-M-60881-2024**
Ajaybir Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Karan Bhardwaj, Advocate
for the petitioner(s) in CRM-M-56899-2024,
CRM-M-56952-2024 and CRM-M-56930-2024.

Mr. Nipun Bhardwaj, Advocate
for the petitioner in CRM-M-60881-2024.

Mr. Rishabh Singla, AAG, Punjab and
Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Ms. Pooja Chopra, Advocate for the Bank.

Mr. Simranpreet Singh, Advocate and
Mr. Sandeep K. Sharma, Advocate
for respondent Nos.4 and 5 in CRM-M-56952-2024.

HARPREET SINGH BRAR, J. (ORAL)

1. This common order shall dispose of the aforementioned four petitions and for the sake of brevity facts have been taken from CRM-M-56899-2024.

2. The present petition(s) has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking direction to respondent Nos.1 to 3 to take necessary steps to the effect that there is no obstruction in plying of the vehicle of the petitioner(s) and to take appropriate legal action against respondent Nos.4 and 5 (Finance company/Bank), who are trying and making an attempt to forcibly take away the vehicle of the petitioner(s) with the help of recovery agents and henchmen while it was running on road.

3. Learned counsel for the respondents-Bank jointly submit that in spite of the undertaking given by the petitioner(s) he has not complied with his undertaking to pay the due installments.

4. Learned counsel for the petitioner(s) submits that petitioner(s) undertakes to pay regularly all the due installments and would pay outstanding amount, in case of any default is made by the petitioner(s) within a period of 8 weeks.

5. In view of the above, the petitioner(s) is directed to regularly pay the installements and would clear the entire outstanding amount, in case of any default, within a period of 08 weeks, failing which, the

respondents would be at liberty to initiate appropriate action in accordance with law.

6. Accordingly, the present petition(s) stands disposed of in terms of the judgment passed by the Hon’ble Supreme Court in ***ICICI Bank Ltd. Vs. Parkash Kaur and others, JT 2007(4) SC 39*** in which it has been categorically held that in the matter of recovery of loan, the bank would not resort to undue harassment or use of force for recovery of the vehicles.

7. Pending CRM(s), if any, are also disposed of.

8. A photocopy of this order be placed on the files of other connected cases.

29.01.2025
Parveen kumar

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No