



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

CRM-M-60140-2024

Date of Decision: January 24, 2025

ABHISHEK

....Petitioner(s)

VERSUS

STATE OF HARYANA AND ORS

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Pawan Attri, Advocate for the petitioner.

Mr. Surender Singh Pannu, Addl. A.G. Haryana.

Mr. J.S. Rattu, DAG, Punjab.

Mr. Vipul Dharmani, Advocate for respondent Nos.6 and 7.

SANDEEP MOUDGIL, J.(ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS, 2023 with a direction to respondents No.1 to 5 to take appropriate legal action against the respondents No.6 & 7 who taken/seized vehicle bearing No.HR-64-A-3800, Mark Eicher, on 16.11.2024 of the petitioner forcibly, without following the process of law, prior notice etc with the help of recovery agents and henchmen while it was running on road, as the petitioner has already paid substantial loan amount and this conduct of respondents No.6 & 7 is against the mandate of constitutional bench of Hon'ble Supreme Court in "Citicorp Maruti Finance Ltd. V/s S. Vijayalakshmi 2012 (1) SCC 1" and in ICICI Bank Ltd. V/s Parkash Kaur and others (JT 2007 (4) SC 39), and by this Hon'ble Court in Narinder Kumar Singla Vs State of Haryana (2006 (3) RCR 890) M/s Sundram Finance Ltd. V/s Raj Kumar & others 2011 (4) RCR (CrI.) 890."



Learned counsel for the petitioner contends that the vehicle in question i.e. truck of the petitioner bearing registration No. HR-64-A-3800, Mark Eicher was snatched on 16.11.2024 forcibly without following the due process of law and in this regard, reference has been placed upon Citicorp Maruti Finance Ltd. Versus S. Vijayalakshmi, 2012 (1) SCC 1.

Learned counsel for the petitioner submits that he will be satisfied if respondent No.4-the Senior Superintendent of Police, Amritsar, Punjab be directed to decide the representation dated 18.11.2024 (Annexure P-2).

Without adverting to the merits of the case respondent No.4-the Senior Superintendent of Police, Amritsar, Punjab is directed to decide the representation dated 18.11.2024 (Annexure P-2) within a period of one week from the date of receipt of the certified copy of this order.

However, the petitioner will be at liberty to get the instant petition revived by filing an appropriate application in case the abovesaid direction is not complied with.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

24.01.2025
Sangeeta

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