



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

**CRM-M-40384-2025  
Date of decision: 29.07.2025**

**GURWINDER KAUR**

**...PETITIONER**

**V/S**

**STATE OF PUNJAB AND OTHERS**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

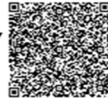
Present:     Mr. Karan Bhardwaj, Advocate for the petitioner.

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**HARPREET SINGH BRAR, J. (ORAL)**

1.            The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for issuance of directions to respondent Nos.1 to 3 to not to interfere in the plying of the vehicle of the petitioner bearing registration No.PB-11-BY-9935 and to take appropriate legal action against respondent Nos.4 and 5, who are not allowing the petitioner to ply her vehicle freely for the purpose of transport business.

2.            The brief facts of the case are that the petitioner purchased a vehicle bearing registration No.PB-11-BY-9935 by taking loan from respondent Nos.4 and 5. The loan amount was Rs.10,80,000/- and interest component was Rs.5,33,417/-, which was to be paid in 27 monthly installments from 05.02.2023 to 05.01.2027. As on 04.02.2025, petitioner was in arrears of Rs.2,65,433/-. It is further alleged that the petitioner has paid the substantial amount, however, respondent Nos.4 and 5 are adamant to recover the vehicle forcibly only because few installments are due, which has occurred on account of severe slump in transport business of the petitioner.



3. Learned counsel for the petitioner submits that now the recovery agents of respondent Nos.4 and 5 are making desperate attempts to recover the vehicle bearing registration No.PB-11-BY-9935. He further submits that on 15.06.2025, when the vehicle of the petitioner was taking a commercial consignment, it was stopped by agents/musclemen of respondent Nos.4 and 5 but the petitioner somehow managed to save his vehicle. He submits that due to wrongful and consistent actions of respondent Nos.4 and 5, the vehicle of the petitioner remained un-operational and stationary, resulting in heavy losses. Learned counsel further submits that action of private respondents is not only against the settled principal of law but also against the judgment passed by Hon'ble Apex Court in 'ICICI Bank Ltd. vs. Shanti Devi Sharma', 2008 (7) SCC 532 and 'Manager, ICICI Bank Ltd. vs. Parkash Kaur', 2007(2) SCC 711. He furthermore submits that even the guidelines issued by Reserve Bank of India in Clause (III) of Clause (B) of the Master Circular-Fair Practices Code dated 01.07.2015, postulates non-coercive methods of recovery. Lastly, he submits that the action of respondent Nos.4 and 5 falls within the teeth of Article 19 of Constitution of India.

4. Notice of motion.

5. Mr. Sandeep Kumar, DAG, Punjab, who is present in the Court, accepts notice on behalf of respondent Nos.1 to 3 and submits that it is the duty of the State to protect the life, liberty and property of every citizen and to ensure that the rule of law is maintained.

6. The Hon'ble Supreme Court vide its judgment dated 26.02.2007 in case titled as *Manager, ICICI Bank Ltd. (supra)* 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."*

7. With the consent of the parties, the present case is taken up for final disposal in view of settled law. The Superintendent of Police, Patiala-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.

8. The petitioner undertakes to clear entire outstanding amount within a period of three months from today and thereafter, she will continue to pay the pending installments on time without any default. In case of default of payment, the petitioner would surrender her vehicle to respondent Nos.4 and 5 forthwith.

9. Disposed of in above terms.

**July 29, 2025**  
*manisha*

**(HARPREET SINGH BRAR)**  
**JUDGE**

- |      |                           |        |
|------|---------------------------|--------|
| (i)  | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable        | Yes/No |