



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

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CRM-M-33492-2025

Date of decision: 04.07.2025

MAJOR SINGH

...Petitioner

VERSUS

STATE OF PUNJAB AND ORS.

...Respondents

CORAM : HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

SANDEEP MOUDGIL, J.(ORAL)

1. The jurisdiction of this Court has been invoked under Section 528 for issuance of directions to respondents No.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. PB-13 BQ-8885 with the help of recovery agents and henchmen.

2. The brief facts of the case are that the petitioner purchased vehicle in question by taking loan from respondents No.4 and 5 on 28.12.2022. The vehicle was financed by respondent No.4 through its Sangrur Branch. The financed amount was Rs.25,65,815/- and the finance charges was of Rs.7,49,218/-. The agreement value was of Rs.33,15,033/-. It was to be repaid from 28.12.2022 to 05.12.2017 through monthly installments of Rs.57,156/-. The petitioner had paid substantial amount and only two installments amounting to Rs.1,14,000/- and Rs.1,25,000/- are pending as diesel charge. The account statement is attached as Annexure P-1. Learned counsel contends that now the recovery agents of



respondents No.4 & 5 are making desperate attempts to recover the said vehicle.

3. The Hon'ble Supreme Court vide its judgment dated 26.02.2007 in case titled as "**Manager, ICICI Bank Ltd. Vs. Prakash Kaur and others**" deprecated and denounced the practice of forcibly taking possession. The observation of Hon'ble Apex Court is as follow:-

"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. Mr. Jastej Singh, Addl. AG, Punjab, puts in appearance on receipt of advance notice of the present petition.

6. With the consent of the parties, the present case is taken up for final disposal in view of settled law. The Senior Superintendent of Police, District Sangrur-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 respondents No.4 and 5.

7. Learned State counsel submits that it is 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 the above terms.

(SANDEEP MOUDGIL)
JUDGE

04.07.2025

Nisha Yadav

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No