



CRM-M-36520-2025

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

CRM-M-36520-2025**Date of Decision: 15.07.2025**

Sanjeet and another

..... Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Tamanna, Advocate, for the petitioners.

Rajesh Bhardwaj, J. (ORAL)

1. The present petition has been filed under Section 528 of the BNSS, 2023, for issuance of directions to respondent nos.1 to 3 to take necessary steps against respondents no.4 to 6, who are trying and making an attempt to forcibly take away the vehicle of the petitioner bearing registration No.HR67-E-0598 with the help of recovery agents and henchmen.

2. Learned counsel for the petitioners submits that the petitioners purchased vehicle bearing registration No. HR67-E-0598 by taking loan from respondents no.4 to 6. The vehicle was financed by respondent no.4 through its Branch, i.e. respondent no.5. The financed amount was Rs.23,12,377/-, which was to be repaid in 58 monthly instalment commencing from 15.06.2024 to 15.03.2029. The petitioners were regularly paying the instalments upto 15.08.2024 but as the vehicle met with a serious accident, business of the petitioners came to a complete standstill and they could not pay few instalments of the loan. He submits that the petitioners are *bona fide* persons and could not pay the due instalments only on account of compelling circumstances arising due to their poor financial condition. He further contends that now the recovery agents of respondents no.4 to 6 are



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making desperate attempts to forcibly recover the vehicle bearing registration No.HR67-E-0598.

3. The Hon'ble Supreme Court recently vide its judgment rendered in the case of **Manager, ICICI Bank Ltd. vs. Prakash Kaur and others, 2007(2) RCR Criminal 76**, deprecated and denounced the practice of forcibly taking possession of the vehicle. The observation of Hon'ble the 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.”

4. Notice of motion.

5. On asking of the Court, Mr. Sumit Jain, Addl. AG, Haryana, accepts notice on behalf of respondents no.1 to 3.

6. Without entering upon an exercise to evaluate the evidentiary value of the documents placed on the file, I dispose of the petition with a direction to respondent no.2- Commissioner of Police, Panipat to take all necessary steps to ensure that there is no obstruction at the behest of respondent no.4 to 6 in plying of the vehicle by the petitioners.

7. It is clarified that this order shall not be taken to grant immunity to the petitioners from legal action for violation of law, if any, committed by them and the respondents are free to take legal recourse in case of their having any survival grievance.

(RAJESH BHARDWAJ)
JUDGE

15.07.2025

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Whether Speaking/Reasoned
Whether Reportable

: Yes/No
: Yes/No