

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2025:PHHC:079383



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CRM-M-33952-2025 (O&M)

Date of Decision: 04.07.2025.

Mohar Singh

...Petitioner.

Versus

State of Punjab and others

...Respondents.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

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

SUKHVINDER KAUR, J. (Oral)

Prayer in the instant petition filed under Section 528 of BNSS, 2023 is for directing respondents No.1 to 3 to take necessary steps to the effect that there is no obstruction in plying of the vehicle of the petitioner and to take legal action against respondents No.4 and 5, who are trying to make an attempt to forcibly take away the vehicle of the petitioner.

Learned counsel for the petitioner has contended that the petitioner purchased vehicle bearing registration No.PB-05AT-5453 by taking loan from respondents No.4 and 5. The financed amount was Rs.41,00,000/-. The installments were to be paid in monthly installments from 04.10.2024. He has contended that the petitioner had paid installment i.e. Rs.1,16,904/- x 8=Rs.9.35.232/- and only one is pending towards petitioner. He has contended that the petitioner had paid substantial amount and respondents are adamant to recover the vehicle forcibly as few installments are due which default was not willful but on account of severe

slump in transport business. He has contended that now the recovery agents of respondents No.4 and 5 are making desperate attempts to recover the aforesaid vehicle. On 01.05.2025, the recovery agent of respondents No.4 and 5 along with three more armed men stopped that vehicle while it was taking a commercial consignment and tried to forcibly recover it, but the petitioner somehow managed to save his vehicle. When the petitioner would bring his vehicle on road then the respondents would recover it forcibly and apprehending the same petitioner cannot bring the vehicle on road and is not able to earn enough to repay the loan amount. He has further argued that the petitioner had been regularly paying the installments of the financed vehicle and except for the present installment which recently became due, there was no outstanding amount against the petitioner at the time of the incident. Despite this, recovery agents acting on instructions of the respondent-financier, illegally intercepted and stopped the petitioner's vehicle on the road without following due process of law and extorted Rs.15,000/- in cash from the clients of the petitioner in order to release the vehicle. He has urged that it is in violation of policy of SMFG India Credit Company Limited, which mandates that the vehicle would not be recovered forcibly.

During the course of arguments, learned counsel for the petitioner has submitted that he would be satisfied if the representation dated 01.05.2025 (Annexure P-2), which had already been moved before respondent No.2 is looked into.

Notice of motion.

Ms. Gagandeep Kaur, DAG, Punjab, accepts notice and submitted that he has no objection if the aforesaid representation dated

01.05.2025 (Annexure P-2) is looked into.

In view of the above, the petition is disposed of with a direction to respondent No.2—Commisisoner of Police, District Ludhiana City, to look into the representation and to take appropriate action, if any required at the earliest.

Disposed of.

In the meanwhile, respondent No.2 is directed to take necessary steps to ensure that no obstruction is caused by respondents No.4 and 5, in plying of the aforesaid vehicle in a lawful manner.

(SUKHVINDER KAUR)
JUDGE

04.07.2025.

Komal

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