



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

**CRM-M-17839-2025
Date of decision: 02.04.2025**

RANJIT SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Suman Kumari, Advocate for
Ms. Satinder Kaur, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 528 BNSS, 2023 for issuance of directions to respondents No. 1 to 3 to take appropriate legal action against respondent Nos.4 and 5, who are trying and making an attempt to forcibly seize the vehicle i.e. truck of the petitioner bearing registration No.PB 05 AJ 9522, with the help of recovery agents and their musclemen.

2. The brief facts of the case are that the petitioner purchased vehicle bearing registration No.PB 05 AJ 9522 on Hypothecation from respondent Nos.4 and 5 on horse, for term of 59 months. The financed amount was Rs.34 lakh. It was to be repaid up to 16.07.2023, which was extended by Moratorium to 2024, by monthly installments. The monthly installment was Rs.65,000/-. The petitioner has paid more than Rs.20 lakhs in installments. The copies of receipts are attached as Annexure P-7.

3. Learned counsel for the petitioner *inter alia* contends that the recovery agents of respondent Nos.4 and 5 are trying to forcibly recover the



vehicle hypothecated with them through their recovery agents. She further contends that the petitioner has already paid an amount of more than Rs.20 lakhs and relies upon Annexure P-5 i.e. photographs to show that the vehicle owned by the petitioner has met with accident, due to which, severe damage has been caused. On that account, he defaulted in payment of some of the installments and now, the recovery agents of respondent Nos.4 and 5 are taking active steps to recover the vehicle in question. She 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*. She 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, she 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. Subhash Godara, Addl. A.G., 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 and liberty of every citizen and to ensure that the rule of law is maintained.

6. The Hon'ble Supreme Court recently vide its judgment dated 26.2.2007 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 vehilces 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 Senior Superintendent of Police, Ferozepur-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 08 weeks from today and will continue to pay the pending installments on time. In case of default of payment, respondents Nos.4 and 5 are at liberty to take appropriate steps against the petitioner in accordance with law.

9. Disposed of in above terms.

April 02, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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