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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34699-2025
DECIDED ON: 07.07.2025

AJIT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS, 2023 with a prayer for directing the respondent no. 1 to 3 that they shall take necessary steps to the effect that there is no obstruction in plying of the vehicle of the petitioner and to take appropriate legal action against respondent no. 4 to 5 who are trying and making an attempt to forcibly take away the vehicle of the petitioner bearing registration number (PB 65 BE 8608) with the help of recovery agents and henchmen while it was running on road, as the petitioner has already paid substantial loan amount and this conduct of respondent no. 4 to 5 is against the mandate of constitutional bench of Hon'ble Apex court in *“Citicorp Maruti Finance Ltd. v/s S Vijayalakshmi 2012(1) SCC 1”* and in *“ICICI Bank Ltd. Vs Parkash Kaur and others (JT-2007(4) SC 39), and by this Hon'ble Court in Narinder Kumar Singla Vs State of Punjab (2006 (3) RCR 890), M/s Sundaram Finance Ltd v/s Raj Kumar & others 2011 (4) RCR (Crl) 890.*

Brief facts of the case are that the petitioner purchased vehicle bearing registration No. PB 65 BE 8608 by taking loan from respondent No. 4 and 5. The

financed amount was Rs.40,44,096/- The finance charges was of Rs.12,37,493/- The agreement value was of Rs.52,81,589/-. It was to be repaid from 31.03.2023 to 07.03.2028 in 58 monthly installments. The monthly installment was of Rs.91,062/- The overdue amount is Rs.42,70,984/-The account statement is attached as Annexure P-1. On 24.06.2025 the recovery agents forcibly tried to recover the vehicle on 24.06.2025 and petitioner had deposited an amount of Rs.1,00,003/- + Rs.50,003 i.e., Rs.1,50,006/-.

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."

Notice of motion.

Mr. Jastej Singh, Addl. AG. Punjab, accepts the notice on behalf of respondent-State.

The respondent No.2/Senior Superintendent of Police, District SAS Nagar, Mohali 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, since 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.

The petition in the aforesaid terms, stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

07.07.2025

Meenu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No