

CROCP-7-2016

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CROCP-7-2016.

Decided on: January 18, 2018.

Court on its own motion

VERSUS

**Vishal Gupta, Advocate, Punjab and Haryana High Court,
Chandigarh.**

*** * ***

**CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI
HON'BLE MR.JUSTICE GURVINDER SINGH GILL**

*** * ***

PRESENT Mr.N.S.Shekhawat, Advocate, Amicus Curiae.

**Contemner in person with
Dr.Anmol Rattan Sidhu, Sr. Advocate, with
Mr.Shiv Kumar Sharma, Advocate.**

M.M.S. BEDI, J. (ORAL)

Contempt proceedings have been initiated against
Mr.Vishal Gupta, Advocate, on the basis of a letter written by him to
Sh.Nitin Jain, Advocate, which reads as under: -

“Sir,

*As per the desire of Court of Hon'ble Ms.Justice
Anita Chaudhary regarding amicable settlement
between the complainant and the accused in the above
said FIR, my client namely Bajrang Lal Gupta is
desirous of an amicable settlement with the complainant,
so kindly convey the date, time and place where the said
settlement/ meeting could be convened in consultation
with your client namely Sh.Harish Gupta. My client or
his representative shall be present for the said settlement*

as per your reply. Looking forward for the said settlement/ meeting.

Thanking you,

*(Vishal Gupta)
Advocate.”*

When the application for regular bail came up for hearing before the Single Bench, the Hon'ble Judge observed that no such directions had been given by that Court regarding amicable settlement between the complainant and the accused and as such, an attempt had been made by the contemner to subvert the judicial proceedings and bring disrepute to the Court as the contents of the letter are false and scandalous.

On notice having been issued to the contemner, he has outrightly tendered unconditional apology regretting the act committed by him on account of anxiety to help accused Bajrang Lal Gupta who is his paternal uncle (father's sister's husband). He has clarified that he was not a counsel in the case but a criminal case had been registered against Bajrang Lal Gupta and other family members and he was assisting Bajrang Lal Gupta. The only intention of the contemner was to bring about some amicable settlement. The relations of Bajrang Lal Gupta had informed the contemner that they were under the impression from the proceedings in the Court that the Hon'ble Judge had given an adjournment to enable the parties to compromise the matter. Without verifying the order from the Court relying upon the assertions of the relations of Bajrang Lal Gupta, the letter was sent with a bona fide belief with an intention to get the matter amicably settled.

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On asking of the Court, it has been informed that the application for regular bail was dismissed in accordance with law.

We have taken into consideration the facts and circumstances of the case and are of the opinion that the letter written by Mr.Vishal Gupta, Advocate/contemner to the counsel opposite was unwarranted. The circumstances under which the said letter was written stands explained in the affidavit filed.

In view of the unconditional apology having been tendered, we are of the opinion that Mr.Vishal Gupta contemner being an Advocate with 9/10 years of practice is in the process of learning. His act has not actually resulted in any damage to the proceedings though an attempt had been made to interrupt the proceedings by supplying wrong information to the counsel opposite. The unconditional apology can be accepted taking into consideration the long tradition of magnanimity to be adopted by the Courts. Accordingly, the contempt proceedings are dropped.

(M.M.S. BEDI)
JUDGE

January 18, 2018.
raj arora

(GURVINDER SINGH GILL)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No