

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

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CWP No.16266 of 2021
DATE OF DECISION : 1st SEPTEMBER, 2021

Naresh Dilawari

.... Petitioner

Versus

Bar Council of Punjab & Haryana through its Secretary & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present : Mr. Naresh Dilawari, petitioner – in person.

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RAJBIR SEHRAWAT, J. (Oral)

The petitioner has filed this petition under Articles 226/227 of the Constitution of India read with Section 35 of the Advocates Act 1961 and the Bar Council of India rules for issuance of a writ in the nature of certiorari for quashing of order Annexure P-3 dated 13.08.2021 passed in complaint CC/150-2020 initiated on the basis of the complaint filed by respondent No.6 and which was pending before respondent No.2 for 17.08.2021.

Notice of motion.

Mr. Gurdeepinder Singh Dhillon, Advocate accepts notice on behalf of respondents No.1, 2 & 5; Mr. Deepak Goyal, Advocate, accepts notice on behalf of respondent No.6 and respondent No.7-Mr. Yogesh Goel, Advocate appearing in person; accepts notice.

The counsel for the respondents No.1, 2 and 5 has pointed out that against the orders which could be ultimately passed against the petitioner, if any, there is a statutory remedy available to the petitioner before the Bar Council of India. Hence the present petition is not maintainable.

The present petition has been preferred only on the ground that respondents No.3 and 4, who are the members of disciplinary committee, are biased against the petitioner. The sole reason mentioned by the petitioner to allege this bias is that, way back in the year 2012 respondent No.7 had filed some criminal complaint against several of his neighbours. In that complaint, Vijender Singh Ahlawat (respondent No.3 herein) was cited as witness. To claim bias against respondent No.4, it is submitted that in another case, respondent No.4 had remained counsel for respondent No.3-Vijender Singh Ahlawat. Similar is the allegation against respondent No.6, who is the complainant in the complaint which is being processed by the respondent-Bar Council. He is also stated to be a witness cited in the above said criminal complaint filed by respondent No.7.

Hence it is submitted that respondents No.3, 4, 6 and 7 constitute only one group which is acting at the behest of the respondent No.7. However, respondent No.7 has submitted that the above said criminal complaint stood decided way back in the year 2015 and respondent No.3 was never examined as witness in the said complaint. Although respondent No.6 was examined in the said complaint, however, the said criminal complaint, as such, has nothing to do with the present petitioner. The petitioner was not even a party in that complaint. Nor is

the respondent No.7 connected with the complaint now filed by respondent No.6 with the Bar Council.

In view of the above, this court finds that allegations of collusion are, basically, based only upon representation of some respondents on behalf of other respondents either as a counsel or as a witness in some legal proceedings; with which the petitioner has no concern at all, in any manner. Moreover, merely because an Advocate represents a person in some proceeding, that does not, necessarily, shows any personal attachment between the two. Mere performance of professional duty would not be a ground sufficient to infer any collusion between the two. Nothing else has been placed on record by the petitioner, by way of specific evidence, to the effect that there was any collusion between the members of the disciplinary committee and the complainant in the matter.

In view of the above, and in view of the fact that the petitioner is having alternate remedy in case the order is passed against him by the respondents No.1 and 2, this court does not deem it appropriate to interfere in the matter.

Accordingly, the present writ petition is dismissed.

1st SEPTEMBER, 2021
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>