

CM No. 16028 of 2023 in
CM No. 15245 of 2023 in
CWP-18162 of 2023

2023:PHHC:129633

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CM No. 16028 of 2023 in
CM No. 15245 of 2023 in
CWP-18162 of 2023
Date of Decision:05.10.2023

Pawan Kumar @ Pawan Kumar Mudgil

....Petitioner

Versus

The Bar Council of Punjab and Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Sandeep Kumar Bhardwaj, Advocate,
for the petitioner.

Mr. Sartaj Singh Narula, Advocate,
for the applicant-respondent No.3.

VINOD S. BHARDWAJ, J. (Oral)

CM No. 16028 of 2023

The instant application has been filed under Section 151 of the Code of Civil Procedure, 1908 praying for preponement of the date of hearing in CM No. 15245 of 2023 which is stated to be fixed for 30.01.2024 for disposal in terms of Article 226(3) of the Constitution of India.

The application is duly supported by the affidavit of the applicant-respondent No.3.

Mr. Sandeep Kumar Bhardwaj, learned counsel for the petitioner

submits that he has no objection in case the main case is preponed from 30.01.2024 to today itself.

In view of above, the instant application is allowed and the main case is taken on board today itself.

Main case

1. Challenge in the present petition is to the Criminal Complaint bearing No. 120 of 2022 dated 28.04.2022 (Annexure P-1) titled as Tarun Jethi versus Pawan Kumar Moudgil, Advocate; Criminal Complaint bearing No. 91 of 2023 dated 03.02.2023 (Annexure P-2) titled as Tarun Jethi versus Pawan Kumar Moudgil, Advocate; and Criminal Complaint bearing No. 92 of 2023 dated 03.02.2023 (Annexure P-3) titled as Tarun Jethi versus Pawan Kumar Moudgil, Advocate.

2. Learned counsel for the petitioner contends that the Criminal Complaint bearing No. 120 of 2022 dated 28.04.2022 was required to be decided by the State Bar Council within a period of one year of its institution and that as per Section 36-B of the Advocates Act, 1961, if the complaint is not decided within a period of one year, the State Bar Council cannot proceed in the said matter and the same has to be referred to the Bar Council of India.

3. Learned counsel for the respondent contents that he has no objection to the abovesaid complaint being sent by the State Bar Council to the Bar Council of India and that in so far as the remaining two complaints i.e. Criminal Complaint bearing No. 91 of 2023 and Criminal Complaint bearing No. 92 of 2023 (supra) are concerned, the same have been instituted in February 2023 itself and as such, the

provision of Section 36-B of the Advocates Act, 1961 would not apply thereto. The only reason why the petitioner had to approach this Court is on account of an order passed by the State Bar Council clubbing all the three complaints to be tried together. Learned counsel for the respondent No.3 makes a statement that he has no objection to the aforesaid order being set aside and the complaint to be tried separately.

4. I have heard the learned counsel appearing on behalf of both the parties and have gone through the records with their able assistance.
5. In view of the aforesaid, the present petition is disposed of directing that the Criminal Complaint bearing No. 120 of 2022 dated 28.04.2022 be segregated from the remaining two criminal complaints i.e. Criminal Complaint No. 91 of 2023 and Criminal Complaint No. 92 of 2023. The State Bar Council shall take appropriate decision with respect to Criminal Complaint bearing No. 120 of 2022 as per law and proceed further as per law in the other two complaints and take a decision thereupon after granting opportunity to the respective parties.
6. Pending miscellaneous applications, if any, stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

October 05, 2023
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Whether speaking : Yes/No

Whether reportable : Yes/No