

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

218

CWP-6639-2020
Date of Decision: 28.02.2024

ANURAG JAIN

... Petitioner

VERSUS

BAR COUNCIL OF PUNJAB AND HARYANA AND ANR

... Respondents

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

Present: Mr. D. S. Patwalia, Sr. Advocate with
Mr. Lalit Rishi and Mr. Sehar Navejeet Singh
Sandhu, Advocates for the petitioner.

Mr. B.S. Aulakh, Advocate for respondent No.1.

Mr. Lajpat Rai Sharma, Advocate for respondent No.2.

Mr. R.K. Hooda, Advocate for respondent No.3.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the complaint case No.230 of 2019 titled as Zile Singh Vs. Anurag Jain decided in the meeting of General House of respondent No.1- Bar Council of Punjab and Haryana held on 10.01.2020 and also for quashing all consequential proceedings that may be carried out pursuant to the resolution/minutes of the meeting held on 10.01.2020.

Learned Sr. Counsel appearing on behalf of the petitioner contends that the petitioner is an advocate enrolled since 2001 and has been practicing in this Court since then. A complaint had been filed by respondent No.2- Zile Singh on 19.08.2019 before the Bar Council of Punjab and Haryana alleging professional misconduct on the part of the petitioner notwithstanding that the petitioner had been the counsel for the opposite party and represented the

Management in two different writ petitions filed by the respondent No.2-complainant against the Management of the School. It is contended that the said writ petitions filed at the instance of the respondent No.2-complainant, were disposed of by this Court with liberty to the parties to pursue their alternative remedies. He further contends that aggrieved of the said order passed by this Court allowing the parties to pursue their remedies before an alternative Forum, the impugned complaints had been filed alleging professional misconduct, for having represented the respondent-Management, by alleging that the petitioner has misinformed the Court. Learned counsel for the petitioner contends that the abovesaid complaint was not maintainable at the behest of the respondent No.2 against the petitioner, who was engaged by the Management, to appear in a matter filed by the respondent No.2 against it. The same cannot be construed as a misconduct as there is no such complaint by his own client.

Counsel for the respondent No.2 fairly submits that the abovesaid complaint was not maintainable and his client has reconciled to the said fact. He contends that the respondent No.2 is ready to get his statement recorded before the Bar Council of India for withdrawal his complaint, however, he could not reach the office of Bar Council of India to make such statement in view of the ongoing farmers' agitation.

I have heard the learned counsel for the respective parties and have gone through the documents and record available on case file with their able assistance.

Since the counsel for respondent No.2 himself fairly concedes that the abovesaid complaint against the petitioner was not maintainable at the behest of respondent No.2 for any misconduct, the present petition deserves to

be allowed. The resolution/ minutes of meeting dated 10.01.2020 and all consequential proceedings arising therefrom are hereby set aside.

Petition stands allowed accordingly.

FABRUARY 28, 2024
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No