



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

CWP-PIL-100-2024 (O&M)

Date of decision : 07.08.2024

Anjali Kukar and others

.....Petitioners

Versus

Bar Council of Punjab and Haryana through its Chairman and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE

HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.S. Bains, Senior Advocate, with
Mr. Amarjeeet Singh, Advocate, for the petitioners, with
Ms. Anjali Kukar - petitioner No.1 in person,
Ms. Charanjeet Kaur - petitioner No.2 in person, and
Mr. Davinder Singh – petitioner No.4 in person.

Mr. Avinit Avasthi, Advocate,
for respondent No.1.

Mr. Pankaj Bhardwaj, Advocate,
for respondent No.2.

Mr. Navjinder Singh Sidhu, Advocate, and
Mr. Ranbir Singh Sekhon, Advocate,
for respondent No.3, with
Mr. Swaran Singh Tiwana, Advocate - respondent No.3 in person.

Mr. Manish Bansal, Public Prosecutor, UT Chandigarh, with
Mr. Navjit Singh, Advocate,
for UT Chandigarh.

Mr. Saurav Khurana, Addl. Advocate General, Punjab.

SHEEL NAGU, CHIEF JUSTICE

1. Learned counsel for the rival parties are heard at length on the question of admission as also final disposal.



2. This petition has been filed as a PIL by five practicing lawyers and members of the Punjab and Haryana High Court Bar Association, Chandigarh (in short, “Bar Association”) praying for the following reliefs :-

- (i) a writ in the nature of mandamus be issued directing Respondent No.1 to immediately decide the complaint – Annexure P-14 filed by petitioners against Respondents No.2 and 3, who are defalcating and embezzling the amount of the Punjab and Haryana High Court Bar Association Chandigarh, since as per their own showing they have allegedly spent over Rs. 1.64 Crores from 18.12.2023 to 31.03.2024 on unnecessary works ;
- (ii) with a further prayer for the issuance of a writ in the nature of mandamus directing respondents No.2 and 3 to place monthly statement of account before the Executive Committee and hand over the details of amount spent including bills and vouchers of the Treasurer of the Bar Association under the Rules of the Bar Association, so that he could maintain the Accounts as per the provisions of these Rules.

3. The public cause raised in the present petition is that allegations of embezzlement of funds of Bar Association made against respondents No.2 and 3 are not being enquired into by respondent No.1 - Bar Council of Punjab and Haryana (in short, “State Bar Council”).

This Court took cognizance of the matter on 15.05.2024 and issued notice.

On the next date, i.e. 27.05.2024, since respondents No.2 and 3 were not served, the case was adjourned, to be taken up again on 03.07.2024,



when this Court took cognizance of various allegations and statements made by the petitioners that an untoward incident took place during the process of serving notice upon respondents No.2 and 3, and that a resolution was sought to be passed at the instance of respondent No.2 calling for strike till cancellation of FIR lodged against him, and that complaints of sexual harassment have been made against respondent No.2 by lady lawyers.

On the basis of aforesaid allegations and submissions of petitioners, this Court vide order dated 03.07.2024 was of the view that investigation pursuant to the FIR lodged against respondent No.2 under Sections 191 (2), 190, 126 (2), 115 (2), 351 (2) and 351 (3) of the Bhartiya Nyaya Sanhita, 2023, needs to be supervised by Senior Superintendent of Police, Chandigarh, and also that certain other offences would arise from plain reading of the FIR, which have not been alleged. This Court was also of the view that the act of respondent No.2 amounts to interference in the administration of justice and a case of criminal contempt under Section 2 (c) of the Contempt of Courts Act, 1971, is *prima facie* made out. The Court further directed the State Bar Council to decide the complaints as regards embezzlement of funds and sexual harassment against the private respondents. This Court also extended liberty to the State Bar Council to pass interim orders to ensure sanctity of the Institution, in case respondent No.2 does not co-operate.

4. On the next date of hearing, i.e. 10.07.2024, respondent No.2 filed an application (CM-78-CWPIL-2024) tendering unconditional apology. On that date, the Court was apprised of the removal of DVR of CCTV cameras



installed in the premises of High Court Bar Association. Reply to the application was sought.

Thereafter, when the case was taken up on 15.07.2024, an application (CM-82-CWPIL-2024) was filed by the petitioners, expressing threat perception to their property, person and dignity. This impelled the Court to direct the authorities in Union Territory, Chandigarh and State of Punjab to provide protection to the petitioners. On behalf of the State Bar Council, it was informed that the allegations qua sexual harassment against respondent No.2 and as regards embezzlement of funds of the Bar Association against respondents No.2 and 3 are being inquired into and shall be concluded expeditiously. It was further informed on behalf of the Bar Association that a Grievance Committee of five designated Senior Advocates had been constituted for resolving the stalemate. This Court in such backdrop expressed hope that the State Bar Council as well as the Bar Association shall rise to the occasion and bring the dispute to its logical end preferably in an amicable manner.

Thereafter, on 22.07.2024, this Court dismissed the application (CM-85-CWPIL-2024) preferred by respondent No.2 praying for his release on conditional bail, on the ground that no relief can be granted to respondent No.2.

5. It has been brought to the notice of this Court that disciplinary proceedings in Case No. 95/2024 initiated by the State Bar Council have been stayed by the Bar Council of India vide order dated 30.07.2024. On 06.08.2024, the Bar Council of India, while observing that Case No. 95/24, shall be heard and decided by it, directed the State Bar Council to stay its



hands and not pass any further order in the said case. The orders dated 30.07.2024 and 06.08.2024 passed by the Bar Council of India are already on record as Annexures 'X' and 'Y' respectively.

6. In view of aforesaid developments that have taken place during pendency of this case, coupled with the fact that Bar Council of India is now seized of the matter with regard to enquiry against respondents No.2 and 3 qua allegations of embezzlement of funds of the Bar Association, this Court is of the considered view that principal grievance of the petitioners in this PIL as regards in-action of the State Bar Council to initiate action against the private respondents, stands satisfied.

7. Before parting, it would be appropriate to observe that the Bar Council of India, which is a statutory body under Section 4 of the Advocates Act, 1961, in the fitness of things, is competent to put curtains to the controversy by concluding the enquiry in case No. 95/2024, as expeditiously as possible, so that the pent up emotions between the petitioners and private respondents do not adversely affect the peace, tranquility and cordial atmosphere among the members of the Bar Association.

8. As such, though the Bar Council of India is not a party before us, but it is expected of it to conduct and conclude the proceedings in disciplinary Case No. 95/2024 at the earliest, preferably within a period of two months from today.

9. We expect that the petitioners, who are practicing lawyers in the Bar Association, and respondents No.2 and 3, shall maintain cordial relationship and prevent any untoward incident from happening, not only



during the pendency of proceedings before Bar Council of India, but also for all times to come, in the future.

10. Consequently, this petition stands disposed of with the aforesaid directions and observations.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

August 07, 2024
ndj

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