

2024:PHHC:147190-DB



**101+207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Reserved on : 29.10.2024
Pronounced on : 12.11.2024**

1. CWP-PIL-220-2024(O&M)

Anjali Kukar and others Vs. ...Petitioners

Bar Council of India and others ...Respondents

**2. CM-129-CWPIL-2024 in
CWP-PIL-100-2024**

Anjali Kukar and others Vs. ...Petitioners

Bar Council of India and others ...Respondents

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

Present : Mr. G. S. Bal, Senior Advocate with
Ms. Lovepreet Kaur, Advocate,
Ms. Anjali Kukar-applicant/petitioner No.1 in person.
Mr. Ranjit Singh-applicant/petitioner No.3 in person.
Mr. Davinder Singh, applicant/petitioner No.4 in person.

Mr. Suvir Sidhu, Advocate,
Mr. Prateek Sodhi, Advocate
Mr. Aharjot Grewal, Advocate,
Mr. R.K.Hooda, Advocate,
for Bar Council of India.

Mr. Manish Bansal, Public Prosecutor U.T. Chandigarh and
Mr. Rajiv Vij, Addl. P.P. U.T. Chandigarh,
Mr. Navjit Singh, Advocate,
Mr. Shaurya, Advocate, Mr. Sumeet Jain, Advocate and
Ms. Sukhmani Patwalia, Advocate,
for respondent-UT.

Mr. Gaurav Chopra, Senior Advocate with
Ms. Seerat Saldi, Advocate and
Mr. Swaran Singh Tiwana, -respondent No.3 in person.

Mr. Avinit Avasthi, Advocate for respondent No.1-
Bar Council of Punjab and Haryana in CM-129-CWPIL-2024.

Mr. C.M.Munjal, Advocate and
Ms. Seema Arora, Advocate,
for respondent No.2.

Mr. Saurav Khurana, Addl. Advocate General, Punjab and
Mr. Salil Sabhlok, Sr. Deputy Advocate General, Punjab.

ANIL KSHETARPAL, J.

1. Through this common order CWP-PIL-220-2024 and CM-129-CWPIL-2024 in CWP-PIL-100-2024 shall stand disposed of.

2. As many as five practicing Advocates of High Court Bar Association for the States of Punjab and Haryana have filed the writ petition *inter alia* praying for the following substantive reliefs:-

“(ii) issuance of a writ in the nature of Certiorari for quashing the order dated 27.09.2024 (Annexure P-1) and order dated 30.07.2024 (Annexure P-2) passed by respondent no 1 (Bar Council of India) vide which they have stayed order dated 04.07.2024 (Annexure P- 3), and 26.07.2024 (Annexure P-4), passed by respondent no 2 restraining respondent no 5 and 6 to act as President and Secretary of Bar Association of Punjab and Haryana High Court, Chandigarh respectively.

(iii) And further for issuance of a writ in nature of the mandamus directing respondent no 4 to decide

and consider the detailed representation filed by the petitioners dated 15.04.2024 (Annexure P-8) in a fair, impartial and time bound manner.

(iv) And further for issuance of a writ in nature of mandamus directing respondent no. 2 and 3 not to allow candidates with moral turpitude to contest the elections of Bar Association of Punjab and Haryana High Court, Chandigarh.

(v) And during the pendency of the present writ petition, the operation of impugned orders dated 27.09.2024 (Annexure P-1) and order dated 30.07.2024 (Annexure P-2) may kindly be stayed with immediate effect.

(vi) Further the life and liberty of the petitioners may also be protected under the ongoing facts and circumstances during the pendency of the present writ petition.”

3. The orders passed by the Disciplinary Committee constituted by Bar Council of India on 04.07.2024 and 26.07.2024 are interlocutory orders.

4. During the pendency, the pending appeals/applications have been finally decided by the Bar Council of India vide order dated 28.10.2024. The order dated 04.07.2024, restraining Sh. Vikas Malik, Advocate to act as President of Punjab and Haryana High Court Bar Association has been upheld, whereas, the order dated 26.07.2024 restraining respondent No.4-Sh. Swaran Singh Tiwana to perform his duties as a Secretary has been set aside. The Bar Council of India has also set aside the order dated 10.07.2024.

5. With regard to prayer no. (ii), the writ petition is rendered infructuous. With respect to prayer no. (iii) direction has been sought to the

Senior Superintendent of Police, Chandigarh to decide petitioner's representation dated 15.04.2024. In fact, connected writ petition was disposed of on 07.08.2024. CM-129-CWPIL-2024 has been filed in a decided case for continuing with the security provided to the petitioners. The status report with regard to the threat perception has been filed not only by the U.T. Chandigarh Police, but also by the State of Punjab. It has been reported that the petitioners do not have threat perception and adequate precautionary steps are being taken in this regard. Annexure P-8 is a representation filed by certain practicing lawyers including petitioner No.1 for registration of a case against Mr. Vikas Malik and Sh. Swaran Singh Tiwana for misappropriation of funds of PHHCBA. The petitioners have the alternative remedy of filing a criminal complaint, if the U.T., Chandigarh Police fails to take the appropriate action.

6. The authority to examine prayer no. (iv) lies with respondent No.2-Bar Council of Punjab and Haryana, which is already seized of the matter. Prayer no. (v) is rendered infructuous because the final order dated 28.10.2021 has already been passed by the Bar Council of India. With respect to prayer (vi) the status report with regard to threat perception has already been provided by the Police while replying to CM-129-CWPIL-2024. It is for the agency which is responsible to maintain law and order to assess threat perception. Attention of the Court has not been brought to any error in assessing the threat perception by U.T Chandigarh and Punjab Police.

7. In the end, directions were sought to Bar Council of Punjab and Haryana for expeditious disposal of the complaints. This Court has no doubt that Bar Council of Punjab and Haryana, which is a statutory body, would make

sincere attempt to decide the complaints expeditiously.

8. With these observations, the writ petition as well as miscellaneous applications are disposed of.

	(ANIL KSHETARPAL) JUDGE	(SHEEL NAGU) CHIEF JUSTICE
12.11.2024		
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	Whether Reportable :	Yes No