



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

CWP-29733-2024 (O&M)

Date of decision : 06.11.2024

Ranjodh Singh Sarao

.....Petitioner

Versus

Bar Council of Punjab & Haryana, Chandigarh and others

.....Respondents

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

Present: Mr. A.D.S. Jattana, Advocate,
for the petitioner.

Mr. Gurinder Singh Dhot, Advocate,
for respondents No.1 to 4.

Mr. S.S. Swaich, Advocate,
for respondent No.5.

Mr. H.S. Batth, Advocate,
for respondent No.6.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. This petition has been filed by a practicing lawyer, who is Member of the District Bar Association, SAS Nagar (Mohali), and is contesting election for office of President of the said Bar Association.

2. This is second round of litigation in respect of same cause of action, though the earlier one was initiated by District Bar Association, SAS Nagar (Mohali), in shape of CWP-28025-2023, which was finally disposed of on 20.08.2024 in the following terms :



“6. Accordingly, instead of keeping this petition pending any further, the same is disposed of with the following directions :-

(i) The Bar Council, Punjab and Haryana shall nominate one of its office bearers to supervise the conduction of election to the Bar Association, SAS Nagar, Mohali.

(ii) The preparation of the voter list, inviting objections and finalization of the voter list shall be held in accordance with the provision of Rule 6 of the 2015 Rules under the supervision of the nominated office bearers of Bar Council.

(iii) In view of the affidavit dated 29.01.2024 filed by the SDM, Mohali, the records which are in possession of the SDM, Mohali, (as per the tabulated information running from page 2 to 6 of the affidavit) shall be handed over to the office bearers, nominated for holding election by the Bar Council, within a period of one week, from today.

(iv) It is made clear that the period of 60 days shall commence from the date the aforesaid record is handed over by the SDM, Mohali to the office bearers of the Bar Council so nominated for the purpose.

7. Learned counsel for respondent No.4-Snehpreet Singh assures that if there is any record of the Bar Association in his possession, the same shall be handed over to the nominee of the Bar Council, within a week from today.

8. All the pending miscellaneous applications, including CM-251-2024 stand disposed of.”

3. In second round of litigation in shape of this petition, a prayer has been made that the directions issued by this Court in first round on 20.08.2024 have not been complied with and, therefore, the entire process of election,



which is culminating in polling day after tomorrow, i.e. on 08.11.2024, is polluted for the following reasons :

- (i) Objections received from various persons, as regards inclusion of ineligible voters in the voter list, have not been considered in right perspective;
- (ii) The voter list has not yet been finalized, but the election process has been initiated;
- (iii) The person appointed by the Bar Council of Punjab and Haryana to supervise elections in terms of the order dated 20.08.2024 is not conducting election in a free and fair manner;
- (iv) Certain other violations have also been pointed out to the extent that instead of constitution of Election Committee for consideration of objections as regards voter list, same has been done by the Bar Council.

3.1 Objections in that regard, contained in representation dated 20.09.2024 (Annexure P-7), have been made before the Bar Council of Punjab and Haryana, but to no avail.

4. After hearing learned counsel for the rival parties and perusing the record made available to us, this Court is of the considered view that interference by judicial orders in the election process, after it has commenced, ought to be to the minimum. The object behind this concept is to allow completion of unhindered election process in a time bound manner to enable democratically elected body to govern the affairs before the term of previous elected body expires. Any irregularity or illegality in the conduct of election can be dealt with in an election dispute under clause 11 (d) of the Bar Associations (Constitution and Registration) Rules, 2015, framed by the Bar



Council of Punjab and Haryana, Chandigarh, which provides for remedy of Election Petition before the Bar Council.

5. This Court further finds that all the submissions and objections raised by learned counsel for the petitioner involve disputed questions of facts, which ought not to be gone into while exercising writ jurisdiction and should be left to the forum meant for the purpose, i.e. Bar Council, after conclusion of elections.

6. Therefore, this Court declines to interfere at this stage in the election process and allows the same to be concluded, with liberty to the petitioner to avail the remedy of Election Petition before the Bar Council of Punjab and Haryana.

7. With the aforesaid liberty, the petition stands disposed of.

8. All the pending applications, including CM-18182-CWP-2024, also stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

November 06, 2024
narotam

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