

Anjali Kukar and others

Vs.

Bar Council of Punjab and Haryana through its Chairman and others

Present : Mr. G.S. Bal, Senior Advocate, with
Ms. Lovepreet Kaur, Advocate, and
Ms. Anjali Kukar (petitioner No.1).

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

Mr. Swaran Singh Tiwana, Advocate–respondent No.3 in person.

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Office report would go on to show that *dasti* notices issued to respondents No.2 and 3 have been received back with the report of refusal, as they told that they were not Ex-President and Ex-Secretary.

Respondent No.3 is present in Court and, therefore, service on him is deemed to be complete.

We are also informed that when summons were sought to be served upon respondent No.2, an incident took place which led to lodging of FIR No. 72 dated 01.07.2024, on the statement of Shri Ranjeet Singh, an Advocate, who is petitioner No.3 in the present petition, as he was assaulted by respondent No.2 and his associates in the office of the Bar Association located in the premises of the High Court.

As per copy of the FIR, provisions of Sections 191 (2), 190, 126 (2), 115 (2), 351 (2) and 351 (3) of the Bhartiya Nyaya Sanhita, 2023 have been mentioned. We have also gone through the FIR. We are of the considered opinion that the matter needs to be supervised by the Senior Superintendent of Police, Chandigarh, as certain other offences would arise from the plain reading of the FIR, which have not been mentioned. We are also informed that

the injured victim/complainant is undergoing treatment in PGIMER, Chandigarh, therefore, his Medico Legal Report be also taken into consideration and appropriate action be taken.

Mr. Sumeet Jain, Advocate, learned Standing Counsel for UT Chandigarh, appears on behalf of Mr. Munish Bansal, learned Public Prosecutor, Chandigarh, and accepts notice. He assures that the Senior Superintendent of Police, Chandigarh, shall look into the matter at her own level and take appropriate steps.

The grouse as such is regarding the in-action of respondent No.1 – Bar Council of Punjab and Haryana, on the complaint filed against the conduct of respondents No.2 and 3, which pertain to defalcating and embezzling the amount, and also to direct respondents No.2 and 3 to place monthly statement of account before the Executive Committee and hand over the details of the amounts.

In the short reply filed on behalf of respondent No.1, it is submitted that the complaint is pending consideration and respondent No.1 Council is proceeding ahead with the complaint filed by the petitioners against the private respondents as per the provisions of the Advocates Act, 1961.

We have also been informed that a resolution was sought to be passed at the instance of respondent No.2 to call a strike till the cancellation of the FIR. Copy of the WhatsApp message in this regard, circulated by respondent No.2, is placed on record. The law has been laid down by the Apex Court in this regard that any call for strike by member(s) of the Bar Association as such would be illegal. Reference can be made to the decisions of the Apex Court in **Ex-Capt. Harish Uppal Vs. Union of India, 2003 (2)**

**SCC 45 and M/s PLR Projects Pvt. Ltd. Vs. Mahanadi Coalfields Limited
and others, 2019 (10) SCC 306.**

In furtherance of his personal interests, respondent No.2 has made an unsuccessful attempt to call a General House meeting for suspension of work, which however was opposed by the members of the Bar Association itself.

We are of the considered opinion that this action of respondent No.2 and his assaulting petitioner No.3 (complainant in the FIR) amounts to interference in the administration of justice and *prima facie* a case of criminal contempt is made out under Section 2 (c) of the Contempt of Courts Act, 1971, whereby it has been provided that anybody who prejudices or interferes or tends to interfere with the due course of any judicial proceeding and obstructs or tends to obstruct the administration of justice in any other manner would become liable.

Before we proceed on this issue, it has been brought to our notice that various complaints of sexual harassment of lady Advocates and lady employees of the Bar Association have been received against respondent No.2. Resultantly, the office of the Chief Justice, which is in receipt of these complaints, is directed to supply copies of the said complaints to the Bar Council to look into these allegations also and to proceed accordingly. Being the Ist Bench, it is the bounden duty of this Court to protect the prestige of this Institution, which apparently has been lowered by respondent No.2, who still has not come forward to put in appearance even today, though well aware that the proceedings are pending before this Court.

Let the complaint, which is subject-matter of this petition, be decided within a period of ten days and respondent No.3 is free to present his side of the story before the Bar Council. The report in this regard be placed before this Court.

Regarding the other issue of sexual harassment, which has been raised against respondent No.2, and for which complaints have been received, it is open to the Bar Council to issue fresh notice to the concerned persons regarding the allegations contained in the complaints.

It is also open to the Bar Council to pass interim orders to ensure the sanctity and respect of the Institution, in case respondent No.2 does not cooperate.

It is also open to the said respondent to furnish his apology to redeem his conduct.

To come up on 15.07.2024.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(VIKAS BAHL)
JUDGE

July 03, 2024
ndj