



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

CWP-PIL-281-2024 (O&M)

Reserved on:- 08.01.2025

Pronounced on:- 23.01.2025

Anjali Kukar and others

...Petitioner(s)

Versus

Bar Council of India and others

...Respondent(s)

CORAM:

HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUDHIR SINGH

Present:-

Ms. Anjali Kukar, Advocate (petitioner No. 1-in-person),
Mr. Ranjeet Singh, Advocate (petitioner No. 2-in-person),
Mr. Davinder Singh, Advocate (petitioner No. 3-in-person).

Mr. B.S. Rana, Senior Advocate,
with Mr. Nayandeep Rana, Advocate,
Ms. Seema Arora, Advocate,
for respondent No. 2.

Mr. Aman Bahri, Advocate,
Mr. Mayank Sharma, Advocate,
for respondent No. 4 – U.T., Chandigarh.

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SHEEL NAGU, C.J.

1. The petitioners, who are four in number and are practicing Lawyers of this Court, have filed this petition praying for the following reliefs:-

- (i) *Issuance of a writ in the nature of Certiorari for quashing the order dated 29.10.2024 (Annexure P-4) and order dated 20.11.2024 (Annexure P-10) passed by respondent No. 2 (Bar Council of Punjab and Haryana Chandigarh).*
- (ii) *Issuance of a writ in nature of the Mandamus directing respondent No. 2 not to proceed further in DC-95-2024 pending before them during the pendency of the present writ petition.*
- (iii) *Issuance of an appropriate order handing over the investigation to an independent agency/committee in the above mentioned pending complaint before the respondent No. 2. In this social cause, if this social cause is not investigated and redressed in a*

fair manner, it is going to have consequences/repercussions for the times to come.

(iv) 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.

2. The controversy raised herein has checkered history which has been subjected to various rounds of litigation. In the earlier two rounds of litigation in the shape of CWP-PIL-100-2024 and CWP-PIL-220-2024, various issues had been decided, but the only dispute between the rival parties which remains to be adjudicated is as follows:-

(i) Whether in the available facts and circumstances, the petitioners are entitled to any further security to protect their life, liberty and dignity?

(ii) Whether the composition of the Disciplinary Committee constituted by the Bar Council of Punjab and Haryana comprising Shri Karanjit Singh, Chairman, Shri Chetan Verma, Member and Shri Harinder Pal Singh Ishar, Co-Opted Member is good enough to assuage the apprehension of bias expressed by the petitioners?

3. Taking the case of entitlement of the petitioners to security of their life, liberty and dignity, it is seen from the threat perception report submitted by the State of Punjab that for the time being, there is no threat perception faced by the petitioners.

Accordingly, this Court directs that the security cover given and if continuing with the petitioners can very well be withdrawn by the State of Punjab and its functionaries. However, the petitioners, if are of the view that threat perception subsists, then they are free to apply for security to the Police in terms of the Police Manual, by rendering the requisite charges.

4. As regards the other ground of allegation of bias against Shri Harinder Pal Singh Ishar to function as one of the three Members of the Disciplinary Committee is concerned, it is seen from the record that an

application was filed by the petitioners before the Chairman of the said Disciplinary Committee who by an order dated 04.12.2024 (Annexure P-12) rejected the said application.

The aforesaid order dated 04.12.2024 is one such order which can very well be assailed by the petitioners before the Bar Council of India, the remedy which is yet to be availed by the petitioners.

The petitioners are at liberty to avail the said remedy by filing an appropriate appeal/revision/representation before the Bar Council of India.

5. Before parting, it would be appropriate to *prima-facie* go into the merits of the allegation of bias against Shri Harinder Pal Singh Ishar (Co-Opted Member).

The record reveals that the petitioners expressed bias against Shri Harinder Pal Singh Ishar (Co-Opted Member) on the ground that before start of the disciplinary proceedings against respondent No. 5, the said Co-Opted Member of the Disciplinary Committee had requested the petitioners to enter into a compromise with respondent No. 5.

The element of bias reflects pre-determined mind of a person against whom such an allegation is made. The person making the allegation apprehends that the person who nurses bias for or against any person may not take a decision which is impartial and unbiased. The allegation of bias, to vitiate the ultimate order that is passed, ought to contain a live and proximate link between the reason behind the bias and the possibility of the same giving a palpable feeling to a man of ordinary prudence, that the order would not be free, fair and impartial.

In the present case, the aforesaid allegation of Shri Harinder Pal Singh Ishar (Co-Opted Member) having proposed a

compromise between the petitioners and respondent No. 5 is a matter which can give rise to a reasonable apprehension in the mind of one of the stakeholders in the disciplinary proceedings that Shri Harinder Pal Singh Ishar in his capacity as a Co-Opted Member of the Disciplinary Committee may not act in an impartial manner.

6. This Court after coming to the aforesaid conclusion of presence of element of bias refrains from passing any writ or direction to the Bar Council of Punjab and Haryana for the obvious reason that the petitioners have an alternative remedy of approaching the Bar Council of India, which can assess the real impact of the element of bias over the impartiality of the Co-Opted Member of the Disciplinary Committee.

However, this Court, not as a judicial authority, but as a guardian, friend, philosopher and guide, hopes and expects from the Bar Council of Punjab and Haryana, that it will rise to the occasion and take remedial steps, without compelling the petitioners to approach the Bar Council of India.

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

(SHEEL NAGU)
CHIEF JUSTICE

(SUDHIR SINGH)
JUDGE

23.01.2025

Amodh Sharma

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