



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

CRM-M-6138-2025 (O&M)

Date of decision: 15.05.2025

Reserved on: 02.05.2025

Manjeet Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pardeep Kumar – in person
representing the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. The present petition has been filed under Section 439 of the Cr.P.C. seeking regular bail for the petitioner in the case stemming from FIR No.129 dated 18.05.2024 registered under Sections 21, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter 'the NDPS Act') at Police Station Rama Mandi, Jalandhar.

2. Mr. Pardeep Kumar, appeared in person on behalf of the petitioner, and submitted that he, being a public spirited individual, has been authorised by the mother of the petitioner to represent him. To further bolster his claim qua his eligibility, he relies on Rule 9 of the Punjab and Haryana High Court Rules Volume I Chapter 1 Part B, which reads as follows:

“9. Who can file complaints, petitions etc.

Complaints and petitions etc. must be filed, except when otherwise specifically provided by any law for the time



being in force, by the party in person or by his recognized agent or by a duly authorized and qualified legal practitioner (Advocate).”

3. He further submitted that according to the Rules framed by this Court under Section 46-A of the Punjab Courts Act, 1918, he is eligible to file a petition as he falls within the definition of a ‘petition-writer.’ Further still, he relies upon the rules framed under Section 122 of the Code of Civil Procedure, 1908, as enlisted in Volume I Chapter 21 of the High Court Rules and Orders, to contend that the process served through a Recognized Agent shall be as effective as if the same was done through a party in person, as would be all other processes mentioned in Rule 3.

4. Before diving into the merits of the present case, it is of the utmost importance to establish whether Mr. Pardeep Kumar is eligible to represent the petitioner. For this purpose, a study of the Advocates Act, 1961 is called for. The relevant provisions are reproduced below:

29. Advocates to be the only recognised class of persons entitled to practise law.—

Subject to the provisions of this Act and any rules made thereunder, there shall, as from the appointed day, be only one class of persons entitled to practise the profession of law, namely, advocates.

32. Power of court to permit appearances in particular cases.—

Notwithstanding anything contained in this Chapter, any court, authority, or person may permit any person, not enrolled as an advocate under this Act, to appear before it or him in any particular case.

33. Advocates alone entitled to practise.—

Except as otherwise provided in this Act or in any other law for the time being in force, no person shall, on or after



the appointed day, be entitled to practise in any court or before any authority or person unless he is enrolled as an advocate under this Act.

5. A bare perusal of the abovementioned provisions indicate that by default, only Advocates can appear before the Court and practice law. Section 32 of the Advocates Act, 1961 does provide for private citizens to appear before the Court, however, the same is qualified by a prior permission from the Court. While deliberating on the permission so required, the Courts must bear in mind the consequences of the same. Advocates are trained professionals who can be held accountable for their conduct as they are also liable for disciplinary actions for any professional misconduct. The legal training imparted to them enables them to represent their client in the best possible manner. Furthermore, they are required to abide by a certain code of ethics as they are not just representing their client but are also duty bound to assist the Court in arriving at a correct decision.

6. Allowing a private citizen to represent a relief-seeker can prove to be unethical at multiple levels. First and foremost, placing the fate of a person's life into the untrained hands of an individual, as well meaning or public spirited he may be, could yield immutable consequences. In fact, the same would amount to placing a wager, with a human life at stake. Thus, such a person must be vetted thoroughly before granting him permission to represent anyone in a Court of law. Taking the same into consideration, a single Judge bench of the Hon'ble Supreme Court in *Harishankar Rastogi vs. Girdhari Sharma and*



another (1978) 2 SCC 165, speaking through Justice V.R. Krishna Iyer, opined as follows:

3. ...*The wisdom of the discretion, in his submission, must be guided by a plurality of considerations. **If the man who seeks to represent has poor antecedents or irresponsible behaviour or dubious character, the court may receive counter-productive service from him. Justice may fail if a knave were to represent a party. Judges may suffer if quarrelsome, ill-informed or blackguardly or blockheadly private representatives filing arguments at the Court. Likewise the party himself may suffer if his private representative deceives him or destroys his case by mendacious or meaningless submissions and with no responsibility or respect for the Court.** Other situations, settings and disqualifications may be conceived of where grant of permission for a private person to represent another may be obstructive, even destructive of justice. Indeed, the Bar is an extension of the system of justice; an advocate is an officer of Court. He is master of an expertise but more than that accountable to the Court and governed by a high ethic. The success of the judicial process often depends on the services of the legal profession.*

4. *Having regard to this conspectus of considerations I hold that a **private person who is not an advocate, has no right to barge into Court and claim to argue for a party. He must get the prior permission of the Court, for which the motion must come from the party himself.** It is open to the Court to grant or withhold permission in its discretion. In fact, the Court may, even after grant of permission, withdraw it half-way through if the representative proves himself reprehensible. **The antecedents, the relationship, the reasons for requisitioning the services of the private person and a variety of other circumstances must be gathered before grant or refusal of permission.** In the present case I have noticed the petitioner and his friend who is to represent him, come together with mutual confidence. The party somehow has not shown sufficient confidence in advocates he has come by. This bodes ill for him. I should have suspected the association of the private person as having sinister implications of exploitation of a guideless party but suspicion by itself should not be the basis of a conclusion. Therefore, I think it right to give the party, who appears to be unable to represent his own case, an opportunity to present his grievance through his friend. That friend, judging by the note prepared and put in, seems*



*to be familiar with law, although quacks can prove fatal friends. **I grant the petitioner permission to be represented by a private person as prayed for, with the condition that if this latter proves unworthy, the permission will be withdrawn.***” (emphasis added)

7. As such, this Court is of the considered opinion that the following must be deliberated upon before allowing a private person to represent a party:

- (i) Explicit permission from the party
- (ii) Relationship with the party
- (iii) Familiarity with the law
- (iv) Clean antecedents
- (v) Reasons for requiring the same
- (vi) Reason for not engaging an advocate

8. Adverting to the facts and circumstances of the matter at hand, it transpires that the present petition pertains to grant of regular bail to the petitioner. The decision of the same would have direct implications on the liberty of the petitioner, therefore, he deserves to be represented by a domain expert, who will be held accountable for any laxity on his part. With that in view, this Court is not satisfied with the arguments put forth by Mr. Pardeep Kumar, to be allowed to represent the petitioner. As a matter of fact, he has not even been engaged by the petitioner himself but has appeared on the request of his mother. Therefore, it cannot be reasonably said that the petitioner has consented to being represented by him.

9. In view of the discussion above, this Court remains unmoved by the contentions of Mr. Pardeep Kumar and consequently,



does not find it apposite to grant him permission to represent the petitioner.

10. Accordingly, the present petition is dismissed. However, District Legal Services Authority, Jalandhar is directed to facilitate filing of a fresh petition for the grant of regular bail to the petitioner, within a period of 04 weeks from today.

(HARPREET SINGH BRAR)
JUDGE

15.05.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No