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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4154/2025 & CM APPLs. 19307/2025 & 19308/2025

LOKINDER SINGH PHOUGAT

.....Petitioner

Through: Mr. Mohit Mathur, Senior Advocate
with Mr. Nipun Arora, Mr. Shivender
Gupta, Mr. Aman Singh, Ms. Kesri
Gupta, Mr. Chinmay Dubey,
Mr. Harsh Gautam and Mr. Vignesh,
Advocates with petitioner in person.
(M): 8800565686
Email: nalawchamber@gmail.com

versus

BAR COUNCIL OF INDIA & ORS.

.....Respondents

Through: Mr. Preet Pal Singh, Advocate for
respondent no. 1/BCI.
Mr. HPS Ishar, Advocate for
respondent No. 2.
Mr. Jasbir Singh Malik with
Ms. Rhythm Bharadwaj, Advocates
for respondent nos. 3 and 4.
(M): 9312283201

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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02.04.2025

**CM APPL. 19308/2025 (Seeking exemption from filing certified copies
of documents)**

1. Exemption allowed, subject to all just exceptions.
2. Application is disposed of.



W.P.(C) 4154/2025 & CM APPL. 19307/2025 (seeking stay)

3. The present petition has been filed seeking quashing of the order dated 27th February, 2025, passed by the Bar Council of India (“BCI”) wherein, while dismissing the *Revision Petition No. 21/2024* of the petitioner, the BCI has *interalia*, prohibited the petitioner from doing any legal practice. There is further prayer to set aside the order dated 23rd March, 2024, issued by the Bar Council of Punjab and Haryana.

4. Learned Senior Counsel appearing for the petitioner draws the attention of this Court to the impugned order dated 27th February, 2025, and specifically to the following directions:

“xxx xxx xxx

15. *Therefore, with the aforesaid principles in mind, this Committee is of the opinion to pass following orders: -*

- (i) *No interference is required in the impugned order;*
- (ii) *Just to get a fair conclusion, the Secretary, Bar Council of Punjab and Haryana is directed to lodge a police complaint before the competent authorities preferably with the Vigilance Department of Police from the State of Haryana;*
- (iii) *The Chairman, Bar Council of Punjab and Haryana is requested to initiate proceedings u/s 35 of an Advocates Act against the respondents and conclude the proceedings preferably within a period of six months;*
- (iv) ***During the pendency of that complaint, the respondent No. 1 is prohibited from doing legal practice as they may tamper with the evidence, and moreover, statedly, he is very popular and dominant in District Bar Association, Rohtak;***
- (v) *Secretary, Bar Council of Punjab & Haryana is directed to issue a show cause notice to the present President Sh. Arvind Kumar Sheoran that why he should not be barred from contesting or holding any position in Bar Association for his failure to act impartially.*

xxx xxx xxx”

(Emphasis Supplied)



5. By referring to the aforesaid, learned Senior Counsel appearing for the petitioner submits that the BCI, while directing that a police complaint be lodged against the petitioner herein, has also wrongly directed that the petitioner is prohibited from doing legal practice on the ground that the petitioner may tamper with evidence.

6. He relies upon the judgment in the case of ***Supreme Court Bar Association Versus Union of India and Another, (1998) 4 SCC 409***, and in particular relies upon Para 76 of the said judgment, which is reproduced, as under:

“xxx xxx xxx

76. *This Court is indeed the final appellate authority under Section 38 of the Act but we are not persuaded to agree with the view that this Court can in exercise of its appellate jurisdiction under Section 38 of the Act impose one of the punishments prescribed under that Act while punishing a contemner advocate in a contempt case. “Professional misconduct” of the advocate concerned is not a matter directly in issue in the contempt of court case. While dealing with a contempt of court case, this Court is obliged to examine whether the conduct complained of amounts to contempt of court and if the answer is in the affirmative, then to sentence the contemner for contempt of court by imposing any of the recognised and accepted punishments for committing contempt of court. Keeping in view the elaborate procedure prescribed under the Advocates Act, 1961 and the Rules framed thereunder it follows that a complaint of professional misconduct is required to be tried by the Disciplinary Committee of the Bar Council, like the trial of a criminal case by a court of law and an advocate may be punished on the basis of evidence led before the Disciplinary Committee of the Bar Council after being afforded an opportunity of hearing. The delinquent advocate may be suspended from practice for a specified period or even removed from the rolls of the advocates or imposed any other punishment as provided under the Act. The enquiry is a detailed and elaborate one and is not of a summary nature. It is therefore, not permissible for this Court to punish an advocate for “professional misconduct” in exercise of the appellate jurisdiction by converting itself as the statutory body exercising “original jurisdiction”. Indeed, if in a given case the Bar Council concerned on being apprised of the contumacious and blameworthy conduct of the advocate by the High Court or this Court does not take any action against*



the said advocate, this Court may well have the jurisdiction in exercise of its appellate powers under Section 38 of the Act read with Article 142 of the Constitution to proceed suo motu and send for the records from the Bar Council and pass appropriate orders against the advocate concerned. In an appropriate case, this Court may consider the exercise of appellate jurisdiction even suo motu provided there is some cause pending before the Bar Council concerned, and the Bar Council does “not act” or fails to act, by sending for the record of that cause and pass appropriate orders.

xxx xxx xxx”

(Emphasis Supplied)

7. By referring to the aforesaid judgment, learned Senior Counsel appearing for the petitioner submits that a complaint of professional misconduct, is required to be tried by the Disciplinary Committee of the Bar Council, as held by the Hon’ble Supreme Court. Thus, he submits that without the matter being tried by the Disciplinary Committee, and without leading evidence in this regard, no order could have been passed by the BCI debarring the petitioner from practicing.
8. Issue notice.
9. Notice is accepted by learned counsels appearing for the respondents.
10. Let reply be filed within a period of four weeks. Rejoinder thereto, if any, be filed within a period of two weeks, thereafter.
11. Considering the submissions made before this Court, it is directed that Para 15(iv) of the impugned order dated 27th February, 2025, shall remain suspended, till the next date of hearing.
12. List on 01st August, 2025.

MINI PUSHKARNA, J

APRIL 2, 2025

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