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

+ W.P.(C) 4154/2025, CM APPL. 19307/2025 & CM APPL.
68904/2025

LOKINDER SINGH PHOUGATPetitioner

Through: Advocate appearance not given.

versus

BAR COUNCIL OF INDIA & ORS.Respondents

Through: Mr. Preetpal Singh, Mr. Nitesh
Baliyan, Ms. Medha Navami, Advs.
for R-1

Mob: 8178917473

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advniteshbaliyan15@gmail.com

Mr. Amit Tiwari, Ms. Ayushi
Srivastava, Mr. Ayush Tanwar and
Mr. Kushagra Malik, Advs. for R-2

Mr. Jasbir Singh Malik and Ms.
Prachi Sohi, Advs. for R-3 (Through
VC)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **06.11.2025**

CM APPL. 68904/2025

1. The present application has been filed on behalf of the petitioner seeking permission to contest elections of the Bar Council of Punjab and Haryana, during the pendency of the present writ petition.

2. Learned counsel appearing for the petitioner submits that *vide* order dated 02nd April, 2025, this Court had kept the direction barring the



petitioner herein, from legal practice, to be kept in abeyance till the next date of hearing.

3. It is submitted that the elections for the Bar Council of Punjab and Haryana have been announced and the petitioner is desirous of contesting the said elections.

4. Learned counsel appearing for the petitioner also relies upon the order dated 27th May, 2025, passed by the Supreme Court in the case of *SLP (Civil) No. 7808-7809/2025*, titled as “*Sandeep Chaudhary Versus Jagmal Singh Jaiten & Ors.*”, to submit that the Supreme Court has also directed that the orders passed by the Bar Council debarring or suspending the members shall be kept in abeyance. Thus, the present application has been filed.

5. *Per contra*, learned counsel appearing for the respondent no.1, has handed over to this Court, a Notification dated 29th October, 2025, issued by the Bar Council of India, which reads as under:



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[भाग III—खण्ड 4]

भारत का राजपत्र : असाधारण

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BAR COUNCIL OF INDIA
NOTIFICATION

New Delhi, the 29th October, 2025

Item 25(R) 6/11
F. No. BCI:D: 7649/2025.—The General Council of the Bar Council of India unanimously resolves to amend Rule-4, Chapter-I of Bar Council of India Rules (for Qualification/Disqualification and procedure for election and code of conduct for the elections of S.B.C/B.C.I.), 2023, which was published in the official Gazette of India on 23rd June, 2023.

Rule-4 of Chapter-I relating to Disqualifications for being a Member of State Bar Council(s) and Bar Council of India.

The existing provision runs as follows: -

An Advocate, for being a Member of any Bar Council should not have been punished by any Disciplinary Committee and/or should not be a convict. There should be no Criminal case of serious nature (prescribing punishment for 7 years or more) pending against him/her prior to 9 months of the election. There should be no Disciplinary Committee Case pending before 9 months of election against him/her. He/she should be regular in practice and should not be in any other job or occupation. Any Advocate doing work of Handwriting expert or appearing as a witness in support of any litigant, shall not be eligible to be a Member of any Bar Council.

After Amendment Rule-4, Chapter-I reads as follows: -

An Advocate, for being a Member of any Bar Council should not have been punished by any Disciplinary Committee and/or should not be a convict. A candidate shall be ineligible for election if, as of a date not later than nine months prior to the election, two or more criminal cases of a serious nature (meaning offences punishable with imprisonment of seven years or more) are pending against him or her. For the avoidance of doubt, the pendency of only one such case shall not, by itself, attract this disqualification. There should be no Disciplinary Committee Case pending before 9 months of election against him/her. He/she should be regular in practice and should not be in any other job or occupation. Any Advocate doing work of Handwriting expert or appearing as a witness in support of any litigant, shall not be eligible to be a Member of any Bar Council. Any candidate aggrieved by the decision of the Returning Officer under this rule may approach the concerned Central Election Tribunal of the Bar Council of India within a period of 3 days and the decision of the Central Election Tribunal shall be final and binding on the Returning Officer.

SRIMANTO SEN, Principal Secy.

[ADVT.-III/4/Exty./434/2025-26]

6. Perusal of the aforesaid notification issued by the Bar Council of India clearly shows that no disciplinary committee case should be pending before nine months of the election against any advocate, who seeks to be a



member of the Bar Council. This Court is informed that two disciplinary proceedings are pending against the petitioner.

7. In view thereof, no orders can be passed by this Court, in violation of the aforesaid notification issued by the Bar Council of India.

8. Accordingly, no merit is found in the present application. The same is accordingly dismissed.

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

9. Learned counsels appearing for the respondents submit that they may be granted further time to file reply.

10. Let reply be filed, within a period of eight weeks, from today.

11. Rejoinder thereto, if any, be filed within a period of two weeks, thereafter.

12. Interim orders to continue.

13. Re-notify on 24th April, 2026.

MINI PUSHKARNA, J

NOVEMBER 6, 2025/SK