

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Crl.O.C.P. No. 21 of 2006
Date of decision 28. 9 .2007

Court on its own motion

.. petitioner

Versus

Balbir Singh Saini, Advocate

.. Respondent

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE R.S. MADAN

PRESENT: Mr.S.S.Bhinder, Addl. AG Punjab, Amicus Curiae
Mr. Balbir Singh Saini, Contemner in person

M.M.Kumar, J.

In this matter the Court on its own motion had to issue contempt notice to Mr. Balbir Singh Saini who is a practicing Advocate during the course of proceedings in CWP No.7030 of 2006. The aforementioned petition came up for hearing on 30.5.2006. On account of the contumacious conduct of the contemner, we issued him contempt notice in the Court itself which reads as under:

“ Written statement has been filed in the Court today and copy thereof furnished to the counsel for the petitioner. The hearing of the petition is adjourned to 24.8.2006.

During the course of proceedings, Shri B.S.Saini, counsel for the petitioner started shouting at the Court by uttering words “that the relief to the petitioner be given and if he is unable to convince the Court, his petition be dismissed.

Mrs. Daya Chaudhary, learned State Counsel had produced before us handwritten letters of the petitioner written to the authorities wherein he has described himself as Syed Shabhudin and has arrogated to himself as an influential

person. When we confronted Mr. Saini with the afore-mentioned hand written communications, on reading those documents, the counsel started shouting by stating that the documents have been fabricated by the respondents. Despite our request for keeping calm, the counsel kept on shouting. It was at this stage that we thought of issuing contempt notice to him to explain his conduct as he has crossed all limits of decency and decorum.

Let a notice to show cause be issued to Mr. B.S.Saini, Advocate, as to why criminal proceedings under Section 2(b) of the Contempt of Courts Act,1971 be not initiated against him for 10.7.2006 for his afore-mentioned conduct.”

We have apprised the contemner that no arm-twisting method could result into overawing the Court and the issuance of leaflets by him to the Members of the Bar after contempt notice is also condemnable. We have made it clear to him that law will take its own course and no matter how high the contemner is placed but still he is under law.

The contemner without explaining anything has tendered sincere apology and stated that he had committed grave mistake in complete ignorance. He further stated that he had no intention to disrupt the proceedings of this Court and unwittingly has done something which he never intended.

Mr. S.S.Bhinder, learned amicus curiae has submitted that the contemner may not deserve the sympathies of this Court and the contempt proceedings have to be taken to its logical end. He has, however, submitted that owing to regretful and apologetic stand now taken by the contemner, his unconditional apology, at this stage, may be accepted.

We have pondered over the matter and do not feel very happy over the whole issue. The Courts which are described as Temple of Justice cannot be subjected to rowdyism because it would be just opposite to the sovereign functions performed by a Court. It is trite to notice that the Courts have to resolve a dispute between the rival parties and the institution of Advocates has been created to bring both the parties on even-keel which even takes care of an illiterate litigant to be assisted by a knowledgeable and learned counsel. Even a literate litigant is also equally assisted by knowledgeable and learned counsel. In the absence of a system of dispute redressal by Courts, the disputes would have been settled in the streets where law of jungle and the rule of 'might is right' would have prevailed. The physical prowess would have been a clinching factor. When similar physical prowess manifests itself in the Court proceedings then the very function of the Courts for resolving the dispute in a civilized society would be in peril. The adoption of such indecent stance or rowdyism by a member of the profession who is supposed to be knowledgeable and learned would assume a grave danger to the system. Therefore the apology of the contemner has to be considered in the light of the afore-mentioned observations.

Having considered various aspects of the whole matter and particularly the regrets and sincerity shown by the contemner, we are inclined to accept the unconditional apology with certain conditions. Firstly, we hope that the apology submitted by him is sincere in its contents and substance. We further expect that contemner in future would not indulge in any such act by resorting to arm-twisting method or otherwise an act which is not in keeping with decency and decorum of the Court. As has been

guided by Mahatama Gandhi, the Father of the Nation that apology should bring necessary transformation in the soul and body of the man who submits apology because if the apology have emanated from the core of the heart of such a person and is sincere then it result into purifying the erring man. Therefore, we accept the apology with the condition that if the contemner repeats such a conduct reflecting lack of sincerity, then the proceedings in the present contempt petition would automatically revive. The Computer section of the Registry shall feed necessary information in the computer in that regard so that in the years to come if the contemner is involved in a contempt petition again then the proceedings in this case are also revived.

In view of the above, rule is discharged.

(M.M.Kumar)
Judge

(R.S.Madan)
Judge

28.9.2007
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