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

+ **CRL.REV.P.(MAT.) 305/2025**

JASKIRAT SINGH SETHI

.....Petitioner

Through: Mr. Mayank Arora, Mr. Jai Allagh,
Mr. Saksham Tyagi and Mr. Amit
Lakhani, Advocates with petitioner
(*through videoconferencing*).

versus

PEKHNA SETHI

.....Respondent

Through: Mr. Rajiv Bajaj, Advocate (*through
videoconferencing*) with Mr. Udit
Mehra, Mr. Aditya Kumbhaj and Mr.
Naman Arora, Advocates

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

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27.04.2026

CRL.REV.P.(MAT.) 305/2025 & CRL.M.A. 12845/2026 (for directions)

1. Today also, I have heard the learned counsel for petitioner for more than half an hour. In terms with previous record (*this order can be better examined if read with the earlier orders*), learned counsel for petitioner had to address today as to whether this application would be maintainable in the present proceedings against the backdrop of jurisdiction of the Bar Council to deal with such issue and also as to whether in the present proceedings, this Court can hold mini trial regarding genuineness of the electronic record relied upon by the petitioner in support of this application.

2. For better understanding, it has been brought to the notice of learned counsel for petitioner that the electronic record on the basis whereof the



petitioner wants Mr. Rajiv Bajaj, Advocate to be restrained from appearing on behalf of respondent has to be proved in accordance with law after giving opportunity to counsel for respondent to cross-examine the witness proving that electronic record. That exercise cannot be carried out in the present proceedings. Further, it has been pointed out that it is not just a case of interfering with the right of an advocate to appear, but also right of a litigant to be represented by advocate of his choice.

3. Learned counsel for petitioner contends that orders dated 01.04.2026 and 21.04.2026 further reflect patent falsehood on the part of counsel for respondent. The alleged falsehood is that on 01.04.2026, in paragraph 4 of the order, learned counsel for respondent stated that the Supreme Court was not apprised of the fact that similar issue is already pending between the same parties in a contempt case, whereas there was clear reference to that effect in the list of dates filed before the Supreme Court. On this aspect, the expression 'apparently' used in paragraph 4 seems to have missed the attention of learned counsel for petitioner. The other alleged falsehood is in order dated 21.04.2026, whereby learned counsel for petitioner had called upon counsel for respondent to disclose particulars of the CA in Germany, consulted by him, as was stated by him. That was in reference to the allegation of respondent that the document at pdf page 854 is a forged document. This also, to my mind, would not call for precluding an advocate to appear for his client.

4. Learned counsel for petitioner submits that counsel for respondent be called upon to appear before this Court and admit or deny the electronic evidence, without issuing notice of this application. In this regard, counsel for petitioner submits that this exercise would enable the Court to take a



prima facie view, since as per Section 528 BNSS this Court has the jurisdiction to prevent pollution of the stream of justice which includes whether to allow or disallow the counsel to appear in this matter and decide accordingly (*the last sentence has been recorded verbatim, as stated by learned counsel for petitioner in Court*). On this aspect, my view is that before labelling anything as pollution to the stream of justice, that too as regards the allegations against a counsel, the allegations must be proved in accordance with law.

5. Learned counsel for petitioner seeks and is allowed to file list of the judgments relied upon within two days.

CRL.M.A. 19474/2025 (stay) & CRL.M.A. 12205/2026 (for orders/directions)

6. Arguments on these applications cannot be heard till the objection of petitioner to appearance of Mr. Rajiv Bajaj as counsel for respondent is disposed of.

7. **The orders passed today have to be read in continuation with the previous orders commencing from 01.04.2026 in order to understand the kinds of non-issues being raised by petitioner side despite directions of the Supreme Court for expeditious disposal.**

8. At this stage, Mr. Rajiv Bajaj, Advocate/counsel for respondent has appeared through videoconferencing to express his anguish and submits that he has decided on his own not to appear in this matter on behalf of respondent, though he strongly refutes the allegations levelled against him by the petitioner side. Accordingly, as requested by learned counsel for respondent Mr. Rajiv Bajaj, he is discharged as counsel for respondent. The other counsel for respondent present in Court is Mr. Udit Mehra, Advocate



and henceforth he shall address arguments. Accordingly, the application CRL.M.A. 12845/2026 stands disposed of.

9. Relist for hearing on the pending applications on 07.05.2026 in Advance List.

GIRISH KATHPALIA, J

APRIL 27, 2026

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