

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 27194 of 2021

Applicant :- Javed Ansari

Opposite Party :- State of U.P.

Counsel for Applicant :- Ram Ker Singh

Counsel for Opposite Party :- Hausila Prasad

Hon'ble Sanjay Kumar Singh,J.

1-Today, when the case is taken up, Mr. Ram Ker Singh, learned counsel, (Enrollment No. UP 4309 of 1980, Advocate Roll No. A/R0784/2012, Chamber No. 9. Tribhuwan Upadhyay Hall IInd Floor, High Court Allahabad, Mobile Nos. 9451302056 and 9807344717), has appeared in this case on behalf of the applicant, whereas Mr. Hausila Prasad, learned Advocate, (Enrollment No. UP 3754/1994, Advocate Roll No. A/H 0127/2012, Mobile No. 9450704504, Chamber No. 9, Tribhuvan Upadhyay Hall IInd Floor, High Court, Allahabad, resident of 475 Rajapur, near police booth, Prayagraj, 211001) has appeared on behalf of opposite party No. 2/informant, Gurdeep Verma, who is father of the victim/prosecutrix aged about 15 years.

2-Learned counsel for the applicant after advancing his argument at some length, stated that Mr. Hausila Prasad, learned counsel for the informant/complainant also has no objection in granting bail to the applicant. On being enquired by this Court, Mr. Hausila Prasad, learned Advocate did not oppose the submissions of learned Counsel for the applicant. In the meantime, Mr. Vivek Kumar Singh, learned Advocate (Enrollment No. A/V-0571/2012, U.P.B.C. No. 2590 of 1998, Mobile No. 9412207892) appeared in this case and by raising a preliminary objection, apprised the Court that in fact only he has the instructions on behalf of informant, Gurdeep Verma S/o Heman Verma, resident of Mohalla Sarai Gosain, police station Kotwali City, district Bulandshahr and not Mr. Hausala Prasad, Acvocate, who has filed forged Vakalatnama on behalf of the informant. He also pointed out that Mr. Hausila Prasad, Advocate has filed his Vakalatnama on 26th of July, 2021 through E-mode in collusion with Mr. Ram Ker Singh, learned counsel for the applicant only to obtain bail by hook or crook and in fact the said Vakalatnama is a forged document, whereas the fact is that the informant/complainant, Gurdeep Verma has not engaged him.

3-When Mr. Hausila Prasad was confronted with the submissions of Mr. Vivek Kumar Singh, Advocate that he has instructions on behalf of the informant/complainant, Mr. Hausila Prasad, learned Advocate stated at the bar that the said Vakalatnama has been provided to him by Mr. Ram Ker Singh, learned counsel for the applicant. It is also submitted by Mr. Hausila Prasad that he is associated with Mr. Ram Ker Singh, learned counsel

appearing for the applicant. It is further submitted that his fee to appear in this case on behalf of the informant has also been given by Mr. Ram Ker Singh, learned counsel for the applicant. He was engaged by Mr. Ram Ker Singh, for the reason that the Hon'ble Court may not issue the notices to the informant/complainant, Gurdeep Verma and victim of this case, because the present matter pertains to offence under Section 376(2)(i), 506 IPC and 3/4 Protection of Children from Sexual Offences Act, registered as Case Crime No. 434 of 2021 at police station Kotwali Nagar, district Bulandshahr and grant bail to the applicant.

4-From the aforesaid statements made by Mr. Hausila Prasad, learned Advocate at the bar, who has appeared in this case on behalf of informant/complainant, it is ostensibly clear that forged Vakalatnama has been filed on behalf of informant/complainant to surreptitiously obtain bail. Hard copy of the aforesaid "Vakalatnama" in question is made part of the record.

5-At this stage, Mr. Hausila Prasad learned counsel has tendered his unconditional apology by stating that in future he will take care of such things and will not repeat such mistake in future and also stated that he wants to withdraw his aforesaid Vakalatnama, whereas Mr. Ram Ker Singh, learned counsel did not tender his apology and stated at the bar that it is not a new thing but it is a common practice in the High Court. This statement of Mr. Ram Ker Singh advocate is very shocking and painful to the conscious which creates a stir compelling one to ponder over the matter. The conduct of Mr. Ram Ker Singh and Mr. Hausila Prasad, Advocates who are having a long standing experience of more than 40 years and 26 years of the practice respectively, is highly deplorable. This Court denounces/condemns the conduct of both the Advocates as they made effort to tarnish the image of noble profession of advocacy.

6-It is very painful to see the downfall in moral values of noble legal profession. In the legal field, professional ethics are a fundamental requirement, because it is an important tool that establishes rule of law and keeps the legal profession and the legal institutions on a high pedestal. In the legal profession, in order to maintain the sanctity of faith between the Bar and the Bench, ethics are important factor, which contains the elements of discipline, fairness, trust, moral values, help to colleagues, respect and responsibilities, etc. It creates confidence between the Bar and the Bench. Lawyers play a crucial role in justice delivery system and in my view, professional ethics are the back bone of legal profession, which is self regulating profession and it is moral duty of the Bar and the Bench both to maintain the sanctity of legal profession and the institution.

7-Vakalatnama is a valuable document in legal profession, which empowers a lawyer to act for or on behalf of his client. Sometimes it confers wide authority/power upon a lawyer, therefore in the opinion of this Court, "Vakalatnama" must be beyond the shadow of any doubt.

8-Since, Mr. Hausila Prasad learned advocate realizing his mistake has accepted his guilt before the Court, therefore, this Court is not taking any action against him and on his request, he is permitted to move an appropriate application to withdraw his Vakalatnama from this case, whereas Mr. Ram Ker Singh, learned counsel for the applicant, who had provided forged Vakalatnama of the informant and had also given fee to Mr. Hausila Prasad, as per disclosure made by him, neither tendered an oral apology nor did he feel regret on his conduct. Under the facts and circumstances of the case, this Court can not act as a silent spectator and has no option left, except to refer the issue of filing the forged Vakalatnama of the informant as mentioned above to the Bar Council of Uttar Pradesh for taking appropriate action/decision in the matter.

9-The issue of filing a forged Vakalatnama of any person in a Court proceeding is not a small one but it is serious issue, because it may adversely affect the valuable legal right and interest of the persons/litigants concerned, ergo keeping in view, the larger interest of the litigants/victims, complainants or aggrieved persons specially in criminal matters and members of the bar, who believe in professional ethics, this Court feels that now it is high time to adopt some remedial measures, so the litigants or aggrieved persons are not deprived of their legal rights. This Court proposes that along with Vakalatnama, self attested copy of any identity proof (preferably Aadhar Card) mentioning mobile number of the person concerned should also be filed or any other method may be adopted in the interest of litigants and the institution.

10-In view of above, the following directions are issued:-

(i)-Let a copy of this order be placed before the Registrar General of this Court within a week, who shall forward the certified copy of this order to the Chairman, Bar Council of Uttar Pradesh within two weeks thereafter for taking appropriate action/decision in the matter in accordance with law.

(ii)-The copy of this order be circulated to all the Hon'ble sitting judges of this Court as well to the president, Allahabad High Court Bar Association and Advocates' association.

(iii)-The aforesaid proposal as mentioned in paragraph no. 9 of this order, be placed by the Registrar General before Hon'ble the Acting Chief Justice for necessary directions in the matter.

(iv)-A notice be issued to the informant/opposite party No. 2, Gurdeep Verma through Chief Judicial Magistrate concerned, who will ensure service of notice upon the informant/opposite party No. 2 and submit report by the next date fixed in the matter.

11-Let this case be listed on 7th of September, 2021 before the appropriate Bench.

Order Date :- 6.8.2021

Sumaira



In The High Court of Judicature At Allahabad
Criminal Misc. Bail Application No. 27194 of 2021
(Under Section 439 of Cr.P.C.)
District - Bulandshahr

Javed Ansari son of Abdul Jabbar
R/o Infront Petrol Pump, Mohalla - Kidwai Nagar
Kali Nadi Road, P.S. Kotwali Nagar, District -
Bulandshahr — — — Accused/Applicant

Versus

1. State of U.P.
2. Gurdeep Verma s/o Hemant Verma, Resident of
Mohalla - Sarai Gosain, P.S. Kotwali City, Distt - Buland
shahr

— — — Opposite Parties

Vakalatnama filed on — 26.07.2021
Vakalatnama filed on Behalf of — O.P. No 2
Gurdeep Verma

Vakalatnama filed By

Counsel Name — Hausila Prasad

Advocate Roll No — A/H 0127/2012

Enrolment No — U.P. 3754/1994

Mobile No — 9450704504

Chamber No — 9, T.V. Hall IInd Floor
High Court Allahabad

Date 26.07.2021

Hausila Prasad
Advocate

Counsel for O.P. No 2
AOR No A/H-0127/2012
Mob. No 9450704504
Chamber No 9, T.V. Hall IInd
Floor H. C. Allahabad



**VAKALATNAMA
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD**

Criminal Misc Bail No. 27194 of 2021 District Bulandshahr
Application

Javed Ansari

Petitioner

Appellant

VERSUS

State of U.P. And Another

Defendant

Respondent

I/We Gurdeep Verma s/o Hemant Kumar
Verma, Resident of Mohalla-Sarai Gosai
Police Station-Kotwali City, District-Bulandshahr

Petitioner(s) / Respondent(s) In the above matter do hereby appoint and retain.

Mausila Prasad Advocate High Court
E.No UP3754/1994 Advocate on Roll No A/H 0127/2012
mobile No 9450704504, Chamber No 9, Tribhu
-wan Upadhyay Hall, II and Floor High Court Allahabad
Resident of 475 Raja Pur Near Police Chauki
Prayagraj - 211001

to act and appear for me/us in the above Petition/Suit/Appeal/Reference/Revision and on my behalf to conduct and prosecute or (defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed there in, including proceedings in taxation and applications for Review, to file and obtain return of documents, and to deposit and receive money on my / our behalf in the said Suit / Appeal / Petition / Reference and in applications of Review and to represent me/us and to take all necessary steps on my behalf in the above matter. I / We agree to satisfy acts done by the aforesaid advocate in pursuance of this authority.

I / We appoint the said lawyer(s) with the above mentioned authorities after setting the fee and agree that what ever shall be done by the said lawyer(s) in connection with the said proceeding shall be binding on me/us.

Dated this the 26th Day of 2021 July

Signature [Signature] Signature

Signature Signature

Witness [Signature] Witness

ACCEPTED

[Signature]
(Mausila Prasad)

Counsel for the Petitioner/Respondent No 2
Date 26.07.2021