

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.3972 of 2015

Date of Decision: 01.10.2015

Karnail Singh

.....Petitioner

Vs.

Presiding Officer, Election Tribunal and Others

.....Respondent

CORAM: HON'BLE MR. JUSTICE K.KANNAN

Present:- Mr.A.S.Manaise, Advocate for the petitioner.

**Ms.Vandana Malhotra, Addl.A.G.Punjab
for respondent No.1.**

**Mr.K.B.Raheja, Advocate for
respondent No.2.**

K.KANNAN, J.

The revision is against an order directing a recount on an observation that pending an election petition, whatever be the result, the election petition could be decided after recounting of votes.

It is literally putting the cart before the horse. Recounting will be ordered following a decision on the basis of evidence given that they had been proof of malpractice or a clear evidence of error in the counting of votes. Without such an adjudication clearly made, it shall be wrong for election Tribunal to interfere in a decision taken on the democratic process of election. The strict rules of evidence and pleading in election petitions recognize the fundamental precept that election results are sacrosanct until they are set aside on irregularities or corrupt practices.

The counsel appearing on behalf of respondent states that there was evidence that the signatures of the petitioner in Form-9 were

on blank papers. I find no such consideration by the election Tribunal. The reasoning offered by the election Tribunal to order a fresh count is insupportable and it is set aside.

The election Tribunal will proceed to hear the arguments on merits and take a fresh decision and order recounting only if, there is prima facie finding recorded that there was a ground established for such a recounting.

The revision is allowed with the above observations.

01.10.2015
anil

(K.KANNAN)
JUDGE