

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

**FAO No.3196 of 2015 (O&M)
Date of Decision: May 07, 2015**

Des Raj

.. Appellant

vs.

Sub Divisional Magistrate-cum-Election Tribunal and others

... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. C.L. Premy, Advocate for the appellant.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

The appellant has challenged the order dated 06.04.2015 passed by learned Sub-Divisional Magistrate-cum-Election Tribunal, Zira, District Ferozepur, vide which the election petition of the appellant was dismissed.

Briefly stated, the appellant along with Bhupinder Singh (respondent No.2 herein) were candidates for the post of Sarpanch of Gram Panchayat Thatherawala, Block and Tehsil Guru Harsahai, District Ferozepur. The election was held on 03.07.2013. On the counting of the votes, it was found that 228 votes were polled in favour of the present appellant whereas 251 votes were polled in favour of Bhupinder Singh-respondent. Therefore, Bhupinder Singh-respondent was declared elected.

I have heard learned counsel for the appellant and have also carefully gone through the case file.

Contention of learned counsel for the appellant is that Bhupinder Singh-respondent got his own man appointed as returning officer. Money and muscle power was used and bogus votes were polled.

I am of the view that there is no proof to support these allegations. It cannot be accepted that for the post of Sarpanch respondent-Bhupinder Singh will get appointed the Sub Divisional Magistrate of his choice. The allegations of polling of bogus votes and using of money and muscle power are general and vague and not sufficient to set aside the election. In the election petition, all these contentions were duly raised and met.

Thus, I do not find any illegality and infirmity in the impugned order. The present appeal is dismissed accordingly.

May 07, 2015
sarita

(KULDIP SINGH)
JUDGE