

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

**C.M. NO.21686 CII OF 2016 &
F.A.O. NO.6445 OF 2016**

DATE OF DECISION: DECEMBER 08, 2016

Anoop Singh

.....Appellant

VERSUS

Tarlok Singh and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sandeep Arora, Advocate,
for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the impugned order dated 21.07.2016 passed by the Presiding Officer, Election Tribunal, Baba Bakala Sahib, whereby the election petition preferred by the appellant under Section 76 read with Sections 50 and 51 of the Punjab State Election Commission Act, 1994, stands dismissed.

It is the contention of learned counsel for the appellant that the Presiding Officer of Booth No.44 as well as the Presiding Officer of Booth No.45 in the Gram Panchayat elections for the Village Jodhanagri, Block Tarsika, Tehsil Baba Bakala Sahib, District Amritsar, had connived with respondent No.1, Tarlok Singh, in the elections and had wrongly counted the votes. He further contends that the votes, which belonged to the appellant, have wrongly been rejected without even showing it to the

polling agent of the appellant as he was made to sit far away from the place where the counting was being carried out. He, therefore, contends that the order as passed by the Presiding Officer, Election Tribunal, Baba Bakala Sahib, cannot sustain and deserves to be set-aside.

I have considered the submissions made by learned counsel for the appellant and with his assistance have gone through the impugned order.

It is an admitted fact that at the time of counting of votes, counting agent of the appellant, Jagir Singh, was present at Booth No.44 and Anoop Singh, appellant, was present at Booth No.45. No objections were raised either by the agent of the appellant or the appellant himself when the votes were being counted. It is also an admitted position that no complaint has been made by the appellant to the higher authorities about any irregularity or wrongful counting of the votes. The counting, thus, was in the presence of the election agent and the appellant. At Booth No.44, the appellant had polled 211 votes whereas respondent No.1, Tarlok Singh, had polled 357 votes. At booth No.45, where the appellant was present, he had polled 282 votes whereas respondent No.1 had polled 177 votes.

In view of the above, respondent No.1 had polled 534 votes and the appellant polled 493 votes. No cogent evidence has been produced by the appellant before the Tribunal, substantiating the allegations made in the election petition and, therefore, the impugned order dated 21.07.2016 passed by the Presiding Officer, Election Tribunal, Baba Bakala Sahib, cannot be said to be unjustified or illegal. The findings so recorded, being in accordance with the pleadings and the evidence led by the parties, do not call for any interference by this Court.

In view of the above, the appeal stands dismissed.

Since the main appeal stands dismissed, C.M. No.21686 CII of 2016 for staying the operation of the impugned order is also dismissed.

**December 08, 2016
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**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No