

**M, IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

FAO No.5114 of 2015

Date of Decision:-04.07.2017

Narinder Singh.

.....Appellants.

Versus

Shankar Singh & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Ashok Kumar Khunger, Advocate for the Appellant.

Mr. J.S. Grewal, Advocate for respondent no.1.

None for respondent no.2.

Mr. Manu Loona, Advocate &
Mr. Ajay Kalra, Advocate for respondent no.3 to 5.

JASWANT SINGH, J. (ORAL)

Election petitioner has filed the present appeal against the order dated 05.05.2015 passed by the Election Tribunal, Abohar whereby the Election Petition filed by the appellant under Section 76 of the Punjab State Election Commission Act, 1994 read with Rule 15 of the Punjab Panchayat Election Rules 1994 for declaration that the election of the respondent no.1 as Sarpanch of Gram Panchayat, Rahurianwali is void and prayer was made for recounting of the facts has been dismissed.

Learned Counsel for the appellant has vehemently argued that through the evidence led by the appellant he has been able to prove that

there was gross irregularities committed at Booth no.7 where total of 1090 Ballot papers were issued to respective voters, however, according to the result declared of respondent nos.3 to 5 the total number of votes polled of Booth No.7 for the post of Sarpanch were counted as 1094 whereas for the election of Panch total number of votes counted were 1091. However, in the entire proceedings of the Election Tribunal, the respondent nos.3 to 5 (who are the Returning Officer and Presiding Officer) respectively were not able to give any explanation qua this discrepancy. Thus, it was argued that entire election suffers from doubt and thus, revoting should be ordered.

On the other hand learned Counsel for the appearing respondents have supported the orders passed by the Election Tribunal and has argued that all the evidence were taken into consideration and thereafter the impugned order was passed.

After hearing learned Counsel for the parties and perusing the paper book, this Court is of the opinion that the present appeal is devoid of merit and deserves to be dismissed.

It has come on record that all the witnesses (including appellant Narinder Singh) have admitted that the polling of votes and counting thereof was conducted peacefully and it has also come on record that Narinder Singh has admitted that he was present at the spot and the counting was conducted peacefully without any dispute. The evidence of bungling or negligence in performance of duties of the election officials is not at all proved. Even otherwise, the petitioner had lost the election by 37 votes and even if it is fair that the petitioner is given three alleged uncounted votes at Booth No.7 to him, still there would be a margin of 34 votes between the appellant and respondent no.1 (elected Sarpanch).

In this view of the matter, no ground for interference is made out.

Dismissed.

(JASWANT SINGH)
JUDGE

July 04, 2017
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>