

**CWP-24975-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(114)****CWP-24975-2025****Date of Decision : August 27, 2025****Balwinder Singh****.. Petitioner****Versus****State of Punjab and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI****Present: Ms. Gagandeep Kaur, Advocate, for the petitioner.****HARSIMRAN SINGH SETHI J. (ORAL)**

1. In the present writ petition, the challenge is to the order dated 08.07.2025 (Annexure P-5) passed by Sub-Divisional Magistrate-cum-Election Tribunal, Sunam Udham Singh Wala (hereinafter referred to as 'Tribunal') by which, the election petition filed by the petitioner has been dismissed.

2. Learned counsel for the petitioner submits that there was a thin margin of only 28 votes between the winning and the losing candidates and that all the votes which were cast in the said election were not counted and rather the petitioner was asked to leave the premises hence, the petitioner was unable to know that whether all the votes which were cast have been counted or not and whether, the counting of the votes was proper or not and therefore, the petitioner sought for recounting of votes by way of filing election petition, which has wrongly been dismissed as, there were affidavits



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filed by one Mahinder Kaur wife of Palwinder Singh and Raju son of Tarsem Singh to that effect.

3. We have heard learned counsel for the petitioner and have gone through the record with her able assistance.

4. The recounting of the votes which have been cast can only be done in case any cogent evidence has been brought before this Court to show that the votes which have been cast have not been counted in a manner required. Further, definite assertion has to be made in the election petition which has to be duly supported by cogent evidence substantiating such assertion.

5. In the present case, the petitioner had raised the grievance that after counting of the initial 100 votes that had been cast, the petitioner was declared as the elected candidate and further he was told to go out and it is only thereafter, the manipulation of counting the votes was done and the respondent was elected as Sarpanch of the village concerned.

6. The said assertion has been noticed by the Tribunal while passing the impugned order and has been declined by placing reliance upon certain facts which had come on record by way of documentary evidence. The returning officer had brought on record a video where the petitioner was seen sitting in the counting room till the election result was declared.

7. The said fact has gone un-rebutted at the hands of the learned counsel for the petitioner in the present petition that in case at the time of declaration of the result, he was sitting in the counting room, how, it can be



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accepted that after counting of only 100 votes, the petitioner was declared winner and was asked to go out.

8. Further, nothing has come on record to show that as to how, the petitioner presumed that he has been declared winner after only counting of the 100 votes whereas total of 893 votes were polled.

9. This fact also goes to show that the averments which were made to seek re-counting of the votes cast were not according to the facts.

10. Further, there is no assertion qua the aspect that any wrong vote has been counted in favour of the elected candidate or any valid vote polled in favour of the petitioner has been cancelled.

11. In the absence of any such averment made or the evidence brought on record, merely that the petitioner lost the election by way of 28 votes, no ground is made out to interfere with the impugned order passed by the Tribunal when a cogent finding has been given based upon the evidence that the counting was valid and was done in the presence of all concerned.

12. With regard to the affidavits, which are being relied upon, the said affidavits are also to the same effect that only 100 votes were shown before declaring the result, which fact has already been rebutted by the returning officer before the Election Tribunal by way of a video, which was prepared at the time of counting.

13. No other argument was raised.

14. Keeping in view the above, no ground is made out for any interference by this Court in the facts and circumstances of the present case.



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15. Accordingly, the writ petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

August 27, 2025
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No