

2026:PHHC:046444



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

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**CWP-8767-2026 (O&M)
Date of decision:24.03.2026**

INDERJEET SINGH AND OTHERS

...PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. Parambir Singh, Advocate,
Mr. Ravinder Singh Sanpla, Advocate,
Ms. Namarta Sharma, Advocate,
Ms. Neha Randhawa, Advocate and
Ms. Prabhpreet Kaur, Advocate
for petitioner.

Mr. Maninderjit Singh Bedi, Advocate General, Punjab with
Mr. Rahul Rampal, Addl. A.G., Punjab.

Mr. G.S. Bal, Senior Advocate with
Mr. Avtar Singh, Advocate,
Mr. D.S. Gill, Advocate and
Mr. Ajay Pal Singh, Advocate
for respondent No.7.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. The present petition has been filed by the petitioners seeking issuance of directions to the official respondent No.2 to ensure free, fair, democratic and transparent conduct of elections for the post of Chairman and Vice Chairman of Panchayat Samiti, Baghapurana.

2. At the very outset, learned counsel for the petitioners submits that the question of law raised in the present petition has already been answered by this Court while passing the order in the similar writ petition i.e. CWP No.7832-2026 titled as 'Taranjit Singh and others v. State Of Punjab And others', decided on 13.03.2026. Hence, the present petition

may kindly be disposed of in the same terms and conditions as held in *Taranjit Singh's case (supra)*.

3. Notice of motion.

4. Mr. Rahul Rampal, Addl. A.G., Punjab, appears and accepts notice on behalf of the respondent-State.

5. Learned counsel appearing on behalf of the respondent-State submits that while casting vote to the post of Chairman and Vice Chairman of Panchayat Samiti, Baghapurana, the directions issued in the order dated 13.03.2026 passed in *Taranjit Singh's case (supra)* will also be made applicable in the present writ petition and therefore, the elections of the Panchayat Samiti concerned, will be conducted as per the terms and conditions passed in order dated 13.03.2026 passed in *Taranjit Singh's case (supra)*.

6. Learned counsel for the petitioners submits that although, the grievance of the petitioners qua holding of the elections in a free and fair manner has been redressed, but the fixing of the date of the elections for the post of Chairman and Vice Chairman of Panchayat Samiti, Baghapurana is not being done. Therefore, the petitioners further pray that this Court may fix any particular date of such elections so that the elections of the concerned Panchayat Samiti, could be conducted expeditiously.

7. Keeping in view the request made by learned counsel for the petitioners noted herein above, learned Advocate General, Punjab submits that in case, any such direction is issued by this Court with regard to fixing of a particular date of elections, the same will be complied with.

8. We have heard learned counsel for the parties and have gone through the case file with their able assistance.

9. Keeping in view the agreement between the parties, the present petition is disposed of in same terms and conditions as held in Taranjit Singh's case (supra). For the ready reference, the order dated 13.03.2026 passed in Taranjit Singh's case (supra) is reproduced here under:-

1. The present petition has been filed by the petitioners seeking issuance of *directions to the official respondents to ensure free, fair, democratic, transparent elections for the post of Chairman and Vice Chairman of Panchayat Samiti Dera Baba Nanak, District Gurdaspur, which are scheduled to be held on 17.03.2026.*

2. *Learned counsel for the petitioners prays that the election proceedings be videographed so that free and fair elections for the posts of Chairman and Vice-Chairman of Panchayat Samiti, Dera Baba Nanak are ensured and transparency is maintained.*

3. *Learned counsel for the petitioners further prays that the elections to the posts of Chairman and Vice-Chairman of Panchayat Samiti, Dera Baba Nanak be conducted through a system of secret ballot papers and the same be held in a neutral administrative location i.e. the office of the Deputy Commissioner instead of the office of the SDM, so that the elections are conducted in a free, fair and transparent manner. Learned counsel for the petitioners further submits that though the elections are scheduled to be held in four days from today and the police have already started visiting the houses of members who are to cast their votes, in order to pressurize and intimidate the public, therefore, adequate security be provided to them till the date of election, so that they may cast their vote on their own will rather than*

being forced by anyone.

4. *Notice of motion.*

5. *Mr. Rahul Rampal, Additional Advocate General, Punjab appears and accepts notice on behalf of the respondent-State.*

6. *Learned counsel appearing on behalf of the respondent-State submits that the endeavour of the State is to protect the will of the people as well as the elected members of the Panchayat Samiti, and they will be given due opportunity to express their will while casting vote to the posts of the Chairman and Vice-Chairman of Panchayat Samiti, Dera Baba Nanak in the elections scheduled to be held on 17.03.2026, which will not be postponed unless the required quorum is not completed.*

7. *Learned counsel for the respondent-State further submits that in case, the petitioner is ready to bear the cost of the videography of election process, the Video recording of the election process will be done to show that the State has nothing to hide and that every member is given a fair opportunity to cast his/her vote to elect the Chairman and Vice-Chairman of Panchayat Samiti, Dera Baba Nanak.*

8. *Learned counsel for the respondent-State further submits that no member shall be estopped from casting his or her vote in any manner on the scheduled day. It is further submitted that if any apprehension is raised before the Deputy Commissioner prior to the elections, the same shall be addressed in the manner required, and that too prior to the holding of the elections, i.e., before 17.03.2026.*

9. *We have heard learned counsel for the parties and have gone through the case file with their able assistance.*

10. *Keeping in view the very fair stand taken by*

the State, it is directed that the elections for electing the Chairman and Vice Chairman of Panchayat Samiti Dera Baba Nanak to be held on 17.03.2026, the same will be videographed at the cost of the petitioner to ensure that it is conducted in free and fair manner.

11. *Further, the said elections will be undertaken based upon the secrete ballot papers and no member will be restrained in any manner from participating in the election process. Even if, any member is required in any case, or is in police/judicial custody then also the said member will be allowed to cast his/her vote on the election day and they will remain in such custody. It is further directed that after the casting of the vote by any member who is in the police/judicial custody, he/she will remain in such custody and will be taken back to the place from where they were brought from for the purpose of casting their votes.*

12. *As an apprehension has been raised by learned counsel for the petitioners with regard to the holding of the election in the office of the SDM as the neutral administrative venue, and as the State has already assured this Court that the elections will be conducted in a free and fair manner, as a matter of precaution and to avoid any suspicion, it would be in the interest of justice that the election scheduled for 17.03.2026 be conducted in the presence of the concerned Deputy Commissioner as prayed for by the petitioners.*

13. *The present petition is disposed of in above terms.*

14. *It may be noticed that this order, will be good enough to allow such persons who are in police/judicial custody to cast their vote and any authority including the jail authority shall be bound by the said order.*

15. *Pending civil miscellaneous application(s), if any, stand disposed of.*

10. It is further directed that only the members who are entitled to vote as per provisions of the Punjab Panchayati Raj Act, 1994 for the election to the post of Chairman and Vice-Chairman of the concerned Panchayat Samiti will be allowed at the venue of elections and no other person will be allowed to enter or loiter near the said hall.

11. At this stage, learned counsel for petitioners submits that a Court Observer be also appointed for which they will pay the required remuneration. Regarding this, Ms. Japuji Kaur Sidhu, Advocate, present in the Court having Enrolment No.502/2026, resident of House No.15, Sector 2-A, Chandigarh, mobile No.81467-42864 is appointed to be the Court Observer for the elections to be held on **28.03.2026** at 10:00 a.m. in the Office of the Deputy Commissioner, Moga, Punjab. She will be provided the transportation by way of Toyota Innova car for journey to the venue from her residence and back to home by the petitioners from their own resources.

12. The State of Punjab is requested to provide full security to Ms. Japuji Kaur Sidhu, Advocate/Court Observer so as to observe the said elections. Ms. Japuji Kaur Sidhu, Advocate/Court Observer after observing the election, will provide a report to this Court. For the aforesaid purpose, the Court appointed Observer will be paid a sum of Rs.50,000/- by the petitioners, in advance before starting the journey.

13. At this stage, learned Advocate General, Punjab submits that certain incidents happened with regard to the conduct of election of Chairman and Vice Chairman of the Panchayat Samiti concerned attributable

to respondent No.7 against whom liberty be granted to take appropriate action. It may be noted that in case any action needs to be taken by the State, it has full jurisdiction to do so but only after compliance with the rules in regard to the same.

- 14. Present writ petition is disposed of accordingly.
- 15. This order be brought to the notice of all the members of the Panchayat Samiti by Deputy Commissioner, Moga, who are eligible to vote in the meeting fixed for 28.03.2026.
- 16. Pending civil miscellaneous application(s), if any, stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(PARMOD GOYAL)
JUDGE

24.03.2026
Sunil Chander

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No