



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

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CWP No.16705 of 2026 (O&M)

Date of Decision: 22.05.2026

MUKESH GANDHI AND ANOTHER

.....Petitioners

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

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CWP No.16755 of 2026 (O&M)

JAGDEEP SHARMA

.....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Vimal Kumar Gupta, Advocate,
for the petitioners in CWP-16705-2026.

Mr. Jimmy Singla, Advocate,
for the petitioners in CWP-16755-2026.

Mr. Jastej Singh, Addl. Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

1. By this common order, all the aforementioned petitions, the details of which have been given in the heading, are being disposed of as all the petitions involve the same question of law on similar facts. For the sake of convenience, facts are being taken from CWP-16705-2025.

2. In the present petitions, the prayer of the petitioners is that the respondents be directed to ensure videography of the entire polling process, counting process, of strong room and to deploy Central Police Force for conduct of free, fair and transparent Municipal Elections of Municipal



Committee, Dera Bassi, District SAS Nagar (Mohali).

3. Learned counsel for the petitioners further submits that an ‘Observer’ of the rank of IAS Officer, Senior PCS Officer, or Senior Police Officer, as the case may be, should be appointed to observe the conduct of polling, which Observers should submit a report to the Punjab State Election Commission regarding the conduct of free and fair elections and whether there was any misconduct in conduct of such election.

4. Learned counsel for the petitioners further submits that adequate security be provided to the candidates contesting the elections so that no untoward incident occurs.

5. Notice of motion.

6. Mr. Jastej Singh, learned Additional Advocate General, Punjab, accepts notice on behalf of the respondents-State and submits that the same issue had already come before this Court and the State had already given the statement with regard to such grievances raised therein and while passing order in ***CWP-16135-2026, titled as Amandeep Singh Nagi Versus State of Punjab and others, decided on 21.05.2026***, appropriate directions with regard to installation of CCTV cameras, appointment of ‘Observer’ and with regard to threat perceptions, have already been given and such directions given while passing order in ***Amandeep Singh Nagi’s case*** (supra) will also be adhered to qua all the municipal councils, qua which elections are scheduled to be held on 26.05.2026 or in case of some Municipal Councils the first week of June, 2026 and therefore, no fresh directions need to be given.

7. We have heard the learned counsel for the parties and have gone through the record with their able assistance.

8. It may be noticed that the question of law raised in the present



petition, was also raised in **Amandeep Singh Nagi's case** (supra), the order passed in that petition on 21.05.2026 i.e., yesterday is as under:-

"1. By this common order, all the aforementioned petitions, the details of which have been given in the heading, are being disposed of as, all the petitions involve the same question of law on similar facts.

2. In the present petitions, the prayer of the petitioners is that in order to conduct free and fair elections to the respective Municipal Councils/ Nagar Panchayats, which are scheduled to be held on 26.05.2026, the official respondents including Punjab State Election Commission and the officers working for the Commission during the election process, be directed to bring into operation certain requirements, including the installation of CCTV cameras inside and outside the polling booths, as well as at the places where counting of votes is conducted, as well as the storage rooms where the votes so casted in the election are being kept after polling before the same are counted.

3. Learned counsel for the petitioners further submits that an 'Observer' of the rank of IAS Officer, Senior PCS Officer, or Senior Police Officer, as the case may be, should be appointed to observe the conduct of polling, which Observers should submit a report to the Punjab State Election Commission regarding the conduct of free and fair elections and whether there was any misconduct in conduct of such election.

4. Learned counsel for the petitioners further submits that adequate security be provided to the candidates contesting the elections so that no untoward incident occurs.

5. Notice of motion.

6. Mr. Jastej Singh, learned Additional Advocate General, Punjab, on instructions from Ms. Rajdeep Kaur, PCS, Secretary, State Election Commission, submits that it has



already been decided to install CCTV cameras inside the polling booths as well as at the vote counting centres on the day of polling and on the day of counting of votes, so as to ensure that not only the counting of votes is conducted in a fair and transparent manner but also election are conducted smoothly in free and fair manner.

7. Learned State counsel further submits that Poll Observers, who shall be Senior IAS Officers, Senior PCS Officers, or Senior Police Officers, as the case may be, have already been appointed to supervise conduct of elections in all the Municipal Councils who are to submit their reports to the Punjab State Election Commission.

8. With regard to the request for appointment of a Court Observer, learned State counsel submits that the same is the prerogative of the Court, however, in case any Neutral/Court Observer is appointed by the Court, the State has no objection to the same, as the State is conducting the elections in the manner required as per law.

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

10. Certain suggestions have been given by the petitioners for achieving the purpose of conducting free and fair elections which are scheduled to be held on 26.05.2026 in the various Municipal Councils/ Nagar Panchayats of the State of Punjab. Keeping in view the suggestions given by the petitioners and the response of the State to such suggestions, almost all the suggestions of the petitioners have already been complied with by the State. Though the State counsel submits that CCTV cameras would be installed inside the polling booths, but, keeping in view the instructions issued by the State Election Commission during the previous elections vide notification dated 20.12.2024, wherein CCTV cameras were directed to be installed both inside and outside the polling stations to ensure that no unauthorized person is



allowed near the polling stations, the same procedure shall also be followed in the present elections.

Meaning thereby, CCTV cameras shall be installed not only inside the polling booths but also outside the polling booths as well.

11. As undertaken by the learned State counsel on instructions, the vote counting centres will be wholly under the coverage of CCTV cameras, and the process of counting the votes will also be recorded through the said CCTV cameras. The footage/recordings of such CCTV cameras, including the cameras installed inside and outside the polling booths, shall not be destroyed for a period of one year from the date of conduct of such elections.

12. Further, in case any election petition is filed qua any election of a ward of a Municipal Council/Nagar Panchayats, the recording/footage of the said CCTV cameras relating to such ward of Municipal Council/ Nagar Panchayats will not be destroyed without the prior permission of the Election Tribunal.

13. Apart from this, as already ordered, the CCTV cameras installed outside and inside the room of the Returning Officer, and the recordings/footage thereof, will also be preserved in terms of the directions issued hereinabove and will not be destroyed without the permission of the Election Tribunal or before lapse of one year from the date of conduct of such elections, whichever is later.

14. Further, it may be noticed that it shall be the duty of the Returning Officer to ensure that all CCTV cameras remain functional during the entire election process including counting of votes. A report in this regard that such cameras are working well will be submitted by the Returning Officer to the State Election Commission upon conclusion of the election process. The footage/recordings of the CCTV cameras will also be



submitted by the Returning Officer to the Secretary, Punjab State Election Commission, who will preserve the same in terms of the directions issued hereinabove.

15. In case, it is found that any CCTV cameras were not functional, the Returning Officer, along with any other officials found guilty in this regard, will be liable for the consequences thereof. The Punjab State Election Commission will recommend for initiation of disciplinary action against such officials to their parent department, and the concerned department will be bound to submit a report regarding the action taken against such officials to the Punjab State Election Commission within a period of six months from the date of receipt of such communication.

16. Further, the CCTV cameras will also contain date and time stamps, as has already been notified by the Punjab State Election Commission vide communication dated 06.12.2025.

17. Further, the State has assured the Court that the police authorities have already been directed to remain vigilant for the conduct of smooth elections which are scheduled to be held on 26.05.2026. That being so, in case any candidate apprehends any threat to his/her life and approaches the SSP of the area concerned with a representation clearly showing a genuine apprehension, appropriate action will be taken by the SSP concerned to ensure that no candidate is harassed or faces any threat perception to his/her security on account of being a candidate in the forthcoming elections to the Municipal Councils/ Nagar Panchayats scheduled to be held on 26.05.2026.

*18. It may be noticed that the directions given by this Court while passing the order dated 18.05.2026 passed in **CWP -15795-2026-titled as ‘Gurpartap Singh versus State of Punjab and Others’**; in CWP No. 15791 2026 titled as ‘Yadwinder Kumar Singh Sharma and others*



versus State Election Commission Punjab and others’, decided on 18.05.2026 and in CWP No. 15244-2026 titled as ‘Rashmi Rani and others versus State of Punjab and others’, decided on 14.05.2026, will also continue to operate. The present directions given hereinabove will be in addition to the aforesaid directions given earlier even if any direction is repetitive in nature.

19. Learned counsel for the petitioners submits that where the nomination papers have wrongly been rejected or accepted, and the liberty has been given to the petitioners to approach the Election Tribunal for the redressal of their grievances, the Election Tribunal be directed to decide the said issue in a time bound manner.

20. It goes without saying that the Election Tribunal will be remained bound by the directions issued by the Hon’ble Supreme Court of India in SLP (C) No. 25527 of 2024, titled as ‘Sunita Rani v. State of Punjab’ to decide the election petition as expeditiously as possible, preferably within a period of six months from the date of its filing, subject to the cooperation of the parties.

21. The present petitions are disposed of in above terms.

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

23. A photocopy of this order be placed on the file of other connected case(s).”

9. A bare perusal of the above would show that all the grievances raised, have already been taken care while passing the above order and the State has already given assurance that the same will be complied with qua all the municipal councils which are going for polling on 26.05.2026 as well as in the first week of June, 2026. Hence, in view of the undertaking given by the learned State counsel, no further order is required to be passed on the said issue.

10. At this stage, learned counsel for the petitioners submits that the



order passed by this Court wherein, directions have been given to the Deputy Commissioner to decide the representation filed by the candidates whose nominations have been rejected or where the nomination of the other candidates have been accepted, the said liberty granted to decide the representation is being misused so as to cancel the accepted nomination of candidates under the garb of said liberty granted by passing of such order on the representation of the candidates so received. Hence, the same be clarified so that, the order passed by this Court is not misused to achieve ulterior purpose.

11. It may be noticed that any directions given by the Court to decide a representation, the authorities concerned are bound to decide the said issue in accordance with law keeping in view the jurisdiction to decide the said issue especially keeping in view the settled principle of law. Any misuse of the order passed by this Court, to achieve ulterior purposes so as to reject the accepted nomination based upon facts will be strictly viewed and in case it is found that any order passed by the Deputy Commissioner on representation so received was beyond his/her jurisdiction keeping in view the provisions of the Punjab State Election Commission Act, 1994 as well as the settled principle of law with regard to the acceptance or the rejection of the nomination as well as consideration of same after the schedule for finalizing the nomination papers had attained finality, this Court will direct to initiate disciplinary proceedings against such officer even if, such fact of misusing of the order passed by this Court is brought to the notice of this Court after the conduct of the election. Hence, the Deputy Commissioner concerned should pass appropriate order keeping in view the jurisdiction which exists with such authority as per settled principle of law much less to misuse any order passed by this Court to achieve ulterior purpose.



12. The State is directed to bring to the notice of all the Deputy Commissioner concerned the present order being passed so as to inform that any misadventure at their part can result into serious consequences to be faced by such officers, who will pass the order without jurisdiction or to misuse the order passed by this Court to achieve ulterior purpose.

13. The present petitions are disposed of in above terms.

14. Civil miscellaneous application pending, if any, is also disposed of.

15. A photocopy of this order be placed on the file of the connected case.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

22.05.2026
Sandeep

Whether Speaking/Reasoned : Yes
Whether Reportable : No