



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

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CWP-31875-2025

Date of Decision: 11.02.2026

Partap Singh**....Petitioner****Versus****Sub Divisional Magistrate, Jalalabad and others****....Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Ashok Kumar Khunger, Advocate
for the petitioner.

Mr. Rahul Rampal, Additional Advocate General, Punjab.

Mr. Kuldip Singh, Advocate for respondent No.2.

Harsimran Singh Sethi, J. (Oral)

1. The learned counsel for the petitioner argues that recounting of the votes has been ordered by the Election Tribunal without even framing the issues and evidence to prove the same but in the present case, recounting of the votes has been ordered to be done merely on the basis of the allegations of the election petitioner, which is incorrect as, the recounting of the votes can only be done on the basis of the evidence which is brought on the record, which evidence supplements the order of recording.

2. The learned counsel for respondent No.2 submits that he has no objection in case the present order directing the recounting of the votes is set aside but liberty be given to the election petitioner to bring on record the sufficient evidence and thereafter, make a prayer for recounting to be assessed by the Presiding Officer.

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3. Keeping in view of the above, the impugned order dated 15.10.2025 (Annexure P-3) is set aside. However, the respondent (election petitioner) will be at liberty to move appropriate application at appropriate stage after leading the evidence required to seek recounting of the votes, which application will be decided by the Presiding Officer in accordance with law.

4. Disposed of accordingly.

5. Pending applications, if any, also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

February 11, 2026*Varinder*

Whether speaking/reasoned : Yes

Whether reportable : No