



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

1. CWP-PIL-358-2025 (O&M)

Daljit Singh Cheema

... Petitioner

Versus

State of Punjab & others

... Respondents

2. CWP-PIL-360-2025 (O&M)

Partap Singh Bajwa

... Petitioner

Versus

State of Punjab & others

... Respondents

Date of decision: 4th February, 2026

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY**

Present: Mr. Saurav Bhatia, Advocate (Arguing Counsel) with
Mr. Arshdeep S. Kler, Mr. Parambir Singh (Sunny),
Mr. Jaspreet S. Brar, Mr. Ravinder. S. Sampla,
Advocates for the petitioner
in CWP-PIL-358-2025.

Mr. A.P.S. Deol, Senior Advocate (Arguing Counsel) with
Mr. Himmat S. Deol and Mr. Vishal Lamba, Advocates
for the petitioner in CWP-PIL-360-2025.

Mr. Maninderjit Singh Bedi, Advocate General, Punjab
(Arguing Counsel) with
Mr. Salil Sabhlok, Sr. DAG, Punjab,
Ms. Kavita Joshi and Mr. Sangam Garg, Advocates
for the State of Punjab.

Mr. Harneet Singh Oberoi, Advocate (arguing counsel) and
Mr. Ketan Garg, Advocate
for intervener in CWP-PIL-358-2025.

Mr. Chandeeep Singh, Standing Counsel
for respondent No.2 – Election Commission of India.

Mr. R.S. Randhawa, Senior Advocate (Arguing Counsel) with
Mr. K.S. Riar and Ms. Mamta, Advocates
for respondent No.3 – State Election Commission, Punjab.

Mr. Akashdeep Singh, Special Public Prosecutor, CBI
for respondent No.6 in CWP-PIL-358-2025.

Mr. Gagandeep Singh Wasu, Spl. Public Prosecutor CBI
for respondent No.6 in CWP-PIL-360-2025.

SHEEL NAGU, CHIEF JUSTICE (ORAL)

1. These are two petitions, where out of the prayers made, only following prayers survive:

CWP-PIL-358-2025

Issue a writ of mandamus directing the respondent No.6 or any independent Investigating Agency to launch immediate investigation into the conduct and the allegations raised in the present writ petition against respondent No.5 (Senior Superintendent of Police, Patiala Shri Varun Sharma, IPS) and a thorough and independent inquiry may kindly be launched into the allegations of criminal conspiracy and misuse of police machinery to subvert the electoral process.

CWP-PIL-360-2025

Issue a writ of mandamus directing the respondent No.6 or any investigating agency to initiate an investigation into the alleged misconduct of respondent No.5.

2. These two PILs have been filed essentially raising cause of undue interference by the police authorities, respondent No.5 in particular, who was deputed in Punjab as Senior Superintendent of Police, Patiala, overseeing the Zila-Parishad and Block Samiti elections in the District of Patiala (Punjab).

3. This Court, while taking cognizance of this matter, issued notice. Thereafter, this Court after hearing the audio clip produced by the petitioner in the pen-drive, in the Chamber, passed order dated 10.12.2025,

where certain relevant observations were made about the conduct of State Election Commission, which for ready reference are reproduced below:

“3.1 However, this Court would like to view the entire situation from a different angle. The State Election Commission is entrusted with conduct of Panchayat elections under Article 243-K of the Constitution and, thus, is expected to be non-aligned, while discharging its duties including that of conducting and supervising and concluding the Panchayat election process. In this process, conduct of the Commission ought not to give an impression that it is favouring any person or political party. It is expected of the State Election Commission to conduct itself without partiality. The actions of the Commission ought not only to be actually impartial to all, but also appear to be impartial.

3.2 In view of above, it would have been appreciated that on receipt of a complaint from any quarter, the Commission ought to have risen to the occasion and nipped, even an apprehension of favourism or nepotism, in the bud. As such, it would have been better, if the Commission would have handed over verification of the material presented by complainants in shape of audio and video recordings to a neutral agency not under the control and supervision of the State of Punjab. It was further expected of the Commission to have divested Shri Varun Sharma, IPS, SSP, Patiala, of election duty, pending inquiry into the allegations.

4. At this stage, learned senior counsel for the State Election Commission, Punjab, has apprised this Court of letter dated 09.12.2025, by which the said SSP, Patiala, has been sanctioned casual leave for 06 days from 10.12.2025 to 12.12.2025 and 15.12.2025 to 17.12.2025, along with station leave for 13.12.2025 and 14.12.2025 to

look after his ailing father, and Shri Sartaj Singh Chahal, IPS, SSP, Sangrur, has been directed to hold additional charge of SSP, Patiala. The said letter dated 09.12.2025 is taken on record as Annexure 'Z'.

4.1 We appreciate the action of the State Election Commission, Punjab, in sending SSP, Patiala, on leave till elections to Zila Parishad and Block Samiti elections in the State are over, pending inquiry into the allegations.

5. In the given facts and circumstances, and to ensure free, fair and impartial elections of Zila Parishad and Block Samiti, we direct the State Election Commission to issue directions to all the SHOs and all the police personnel involved in election duty, to conduct themselves in a non-partisan manner without indulging in any kind of activity deleterious to the concept of free and fair elections.”

4. The State Election Commission is a Constitutional body and thus is an instrumentality of the State under Article 12 and therefore obliged to act in a free, fair and impartial manner, while discharging its duties of supervising conduct and control of elections within its jurisdiction.

5. The order of this Court dated 10.12.2025 (which remains unchallenged), if read in toto and the essence of the said order is understood, then this Court expected the Commission to have handed over the audio clip in question for verification to a neutral agency and also to disassociate the officer concerned from the process of election, which was duly done by the State Election Commission, for which the Commission was appreciated by this Court vide order dated 10.12.2025.

6. The report of the SIT dated 03.02.2026, which is submitted today, seeking further time to complete the investigation, inter alia informs

that FIR No.52 dated 04.12.2025 has been registered at Police Station Cyber Crime, Patiala, alleging offences punishable under Sections 319, 336(4), 356 of BNS and Section 66(D) of the IT Act.

7. What is a little surprising is that the said report turns a blind eye towards the order dated 10.12.2025 and does not even mention a single word about the hope and expectation this Court had with the Commission.

8. It is also not disputed at the Bar that the audio clip contained in the electronic device was sent to the Director, State Forensic Science Laboratory, SAS Nagar, Punjab on 09.12.2025 which is under the control of State of Punjab.

9. It is further surprising to note that despite the order of this Court passed on 10.12.2025, i.e. just a day after the said device was sent to the State Forensic Science Laboratory, Punjab, what dissuaded the State of Punjab from sending the audio clip to a neutral agency in the face of order dated 10.12.2025.

10. The report dated 03.02.2026 further reveals that certain queries were raised by the State Forensic Science Laboratory, Punjab in regard to the original device on which the audio clip was recorded and later transferred to the pen-drive. Since there was no response to the queries, the SIT constituted by the Commission for enquiring into the matter sent notices to Sh.Arshdeep Singh Kler and Sh.Sukhbir Singh Badal asking both these persons to appear either in person or through authorized representatives.

11. Be that as it may, when this Court had expressed its concern about the fairness with which the election process was being conducted especially in Patiala, and had also in paragraph No.3.2 and 5 of order dated

and expected the Commission to hand over verification of the material in question to an independent agency, the least that was expected of the Commission was to comply with the letter and spirit of the order dated 10.12.2025.

12. In all fairness, the Commission ought to have forwarded the electronic material to an independent agency, to assuage all possible suspicions against it. The ultimate object before the Commission is to conduct free, fair and impartial election which can be ensured only when the actions of the Commission are not only above board but also appear to be so.

13. In this view of the matter, both these petitions are disposed of with following directions:

- Writ of mandamus is issued to the Commission that for conducting investigation in the FIR No.52 dated 04.12.2025, the electronic material i.e. audio clip be handed over to an independent agency preferably Central Forensic Science Laboratory, Chandigarh which is not under the control and supervision of State of Punjab or any of its functionary.

The said direction is issued to ensure that investigation in the FIR in question is conducted in free and fair manner, and not to interfere with the process of investigation.

14. Learned Advocate General, Punjab, at this stage, referred to the decision of Apex Court in case titled '**D. Venkatasubramaniam & others vs. M.K. Mohan Krishnamachari & another**' 2009(10) SCC 488, by

relying upon the law laid down in the said judgment, especially in paragraph Nos.20 and 21, which read as follows:

“20. Tested in the light of the principles aforesaid, the impugned order, in our considered opinion, must be held to be an order passed overstepping the limits of judicial interference. It was observed by this Court on more than one occasion, that even in Public Interest Litigation proceedings, appropriate directions may be issued and the purpose in issuing such directions is essentially to ensure performance of statutory duty by the investigating agency. The duty of the Court in such proceedings is to ensure that the agencies do their duties in compliance with law. The inherent power of the High Court is saved to interfere with the proceedings pending before a Criminal Court if such interference is required to secure the ends of justice or where the continuance of the proceedings before a Court amounts to abuse of the process of Court. Such a power under Section 482 of the Code is always available to the High Court in relation to a matter pending before a criminal Court.

21. The High Court, in the instant case, did not even advert to the relevant facts. As stated in the order itself, it was more guided by the arguments made across the Bar that the police has not taken any steps to arrest the persons and seize the amounts involved in this case from the appellants though there is no such factual foundation as such laid in the petition. It has altogether ignored the counter filed by the police that the police had already examined ten witnesses within a short span of time after the registration of crime and recorded their statements. The High Court, without recording any reason whatsoever, directed the police that it is obligatory on their part to record statements from witnesses, arrest, seizure of property and filing of charge sheet. It is difficult to discern as to how such directions resulting in far reaching consequences could have been issued by the High Court in exercise of its jurisdiction

under Section 482 of the Code. The High Court interfered with the investigation of crime which is within the exclusive domain of the police by virtually directing the police to investigate the case from a particular angle and take certain steps which the police depending upon the evidence collected and host of other circumstances may or may not have attempted to take any such steps in its discretion. It is not necessary that every investigation should result in arrest, seizure of the property and ultimately in filing of the charge sheet. The police, in exercise of its statutory power coupled with duty, upon investigation of a case, may find that a case is made out requiring it to file charge sheet or may find that no case as such is made out. It needs no reiteration that the jurisdiction under Section 482 of the Code conferred on the High Court has to be exercised sparingly, carefully and with caution only where such exercise is justified by the test laid down in the provision itself.”

15. This Court is conscious of its limitation under Article 226 of the Constitution of India while interfering in a matter concerning criminal investigation. The attempt by this order is to iron out the creases of partiality and unfairness in the investigation, for instilling sense of fairness and credibility in the investigation.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

February 4, 2026
rps

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