

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

CR-5652-2025

Date of decision: 04.09.2025

Malkit Singh

...Petitioner

Versus

Kewal Singh and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present: Mr. Baltej Singh Sidhu, Sr. Advocate with  
Mr. Gurneet Singh Budhiraja, Advocate  
for the petitioner.

Mr. Ajeet Pal Singh, Advocate (Through VC)  
for respondent No.1.

Mr. C.M. Munjal, Advocate for respondent No.3.

\*\*\*\*

**DEEPAK GUPTA, J. (ORAL)**

1. By way of this petition filed under Article 227 of the Constitution of India, the petitioner assails the order dated 30.07.2025 (Annexure P-1) passed by respondent No.2-Election Tribunal-cum-Sub-Divisional Magistrate, Maur, District Bathinda, alleging the same to be illegal and against the mandatory provisions of Punjab State Election Commission Act, 1994 read with Punjab Gram Panchayat Election Rules, 1994.

2. Petitioner and respondent No.1 were the rival contenders for the post of Sarpanch in an election which took place on 15.10.2024. As per the result declared, petitioner got 246 votes, whereas respondent No.1 had got 245 votes. An Election Petition was filed by respondent No.1-Kewal Krishan, for setting aside the election. The Election Commission by way of the impugned order, ordered recounting of the votes by mentioning that the two sides did not have any objection to that effect. Assailing the



aforesaid order, it was contended by learned counsel that no such consent had been given for recounting.

3. On the last date of hearing i.e. 25.08.2025, following order was passed by this Court:-

*“It is contended by learned counsel for the petitioner that as per the impugned order, the re-counting has been ordered on account of consent given by the petitioner. Learned counsel for the petitioner has drawn attention towards the zimni order dated 28.07.2025, as per which there is nothing to reflect that any consent was given. Learned counsel further submits that no such statement was ever recorded by the Election Tribunal. Learned counsel has placed on record the affidavit of the petitioner as well as his counsel appearing before the Election Tribunal, who have specifically stated in their respective affidavits Annexures P-8 and P-9 that no such consent/statement was made before the Election Tribunal.*

*Notice of motion for 04.09.2025.*

*Mr. Ajeet Pal Singh Pakka, Advocate has appeared and filed his power of attorney on behalf of respondent No.1. Copy of paper book be supplied to him during the course of day.*

*Process dasti as well.*

*To be shown in the urgent list.”*

4. Today, appearance has been made on behalf of respondents No.1 and 3. Nobody has appeared for respondent No.4 and so is proceeded against ex-parte.

5. Counsel for the petitioner further submits that notice to respondents No.5 and 6 may be dispensed with as they are only official respondents.

6. Ordered accordingly.

7. Today, counsel for the respondent No.1 submits that he has no objection, in case election petition is considered on merits by setting aside the impugned order dated 30.07.2025 (Annexure P-1). Counsel for the petitioner has no objection.



8. In view of the aforesaid circumstances and with the consent of both sides, the order dated 30.07.2025 (Annexure P-1) is hereby set aside. Respondent No.2 Election Tribunal cum Sub-Divisional Magistrate, Maur, District Bathinda is hereby directed to pass a fresh order on the petition filed by respondent No.1 before him. It is made clear that petitioner herein will be at liberty to raise all the pleas as have been raised before this Court. The fresh order shall be passed by respondent No.2 on merits, without being influenced by any of the observations made by this Court.

**04.09.2025**

*Yogesh*

**(DEEPAK GUPTA)  
JUDGE**

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