

**2026 LiveLaw (SC) 318**

**IN THE SUPREME COURT OF INDIA**  
CIVIL APPELLATE JURISDICTION  
**VIKRAM NATH; J., SANDEEP MEHTA; J.**  
**SLP(C) No. 25100/2025; March 20, 2026**  
**RAKAM SINGH versus AMIT & ORS.**

**Election Law – Remand and Filling of Lacunae - The Supreme Court set aside an order of the Punjab and Haryana High Court that had remanded an election petition to the Trial Court for fresh evidence, including expert fingerprint analysis - The dispute concerned the election for the post of Sarpanch of Gram Panchayat Khalila Majra, where allegations of double polling were made – Noted that the High Court had directed the Trial Court to call specific voters and obtain expert reports from the Finger Print Bureau to verify thumb impressions - Held: The Supreme Court held that the High Court erred in issuing sweeping directions for leading fresh evidence - An election petition must be decided based on the evidence already available on record as led by the parties - Supreme Court held that there is no scope for filling up lacunae in proceedings related to an election petition, especially when neither party had raised the issue of expert evidence before the Tribunal. [Para 8-11]**

*For Petitioner(s): Mr. Karan Kapoor, Adv. Mr. Manik Kapoor, Adv. Ms. Srishti Singla, Adv. Mr. Shrey Kapoor, AOR*

*For Respondent(s): Mr. Shailesh Madiyal, Sr. Adv. Mr. Dinesh Kumar Garg, AOR Mr. Abhishek Garg, Adv. Mr. Dhananjay Garg, Adv. Mr. Harsh Kumar Agarwal, Adv. Mr. D.k. Garg, Adv. Mr. B. K. Satija, A.A.G. Mr. Samar Vijay Singh, AOR Mr. Aman Dev Sharma, Adv. Mr. Gaj Singh, Adv. Mr. Sourabh Dahiya, Adv. Mr. Prateek Parasher, Adv. Mr. Ashutosh Mishra, Adv. Mr. Mahabir Singh, Adv.*

**ORDER**

1. Leave granted.
2. The present appeal arises out of the final judgment and order dated 04.02.2025 passed by the High Court of Punjab and Haryana in CWP No. 7443 of 2024, whereby the High Court allowed the writ petition filed by respondent No.1, set aside the orders of the Trial Court<sup>1</sup> and the First Appellate Court, and remanded the Election Petition for fresh consideration.
3. The facts giving rise to the appeal are as follows:
  - a. The elections to the post of Sarpanch of Gram Panchayat Khalila Majra, Panipat were held on 02.11.2022, wherein the appellant and the respondent No.1 each secured 302 votes. On the basis of draw of lots, respondent No.1 was declared as winner.
  - b. Aggrieved, the appellant filed an Election Petition bearing No. EP/02/2022 dated 09.11.2022 before the Election Tribunal seeking setting aside of the election of respondent No.1 on the ground that he had employed corrupt means, including allegations of double polling.
  - c. The Tribunal by an order dated 10.11.2023 partly allowed the Election Petition and recorded a finding that four votes had been cast twice. The election of respondent No. 1 was set aside, and fresh elections were directed to be conducted.

---

<sup>1</sup> Hereinafter referred to as Election Tribunal.

d. Aggrieved, respondent No.1 preferred an appeal being Civil Appeal No. 280 of 2023 before the First Appellate Court which came to be dismissed by an order dated 12.03.2024, affirming the findings recorded by the Tribunal.

e. Still aggrieved, respondent No. 1 filed a Writ Petition bearing CWP No. 7443 of 2024 before the High Court challenging the concurrent findings.

f. By the impugned order dated 04.02.2025, the High Court allowed the writ petition, set aside the orders of the Tribunal and the First Appellate Court, and remanded the matter back for fresh consideration.

4. Heard learned counsel for the parties.

5. By the impugned order, the High Court has set aside the order of the Election Tribunal passed in Election Petition preferred by the present appellant, whereby the Tribunal had set aside the election of the returned candidate, i.e., the respondent no.1 herein, and had directed for holding fresh elections.

6. The High Court, by the impugned order, set aside the Tribunal's order and has remanded the matter with directions for recording and getting the expert evidence. Paragraph 16 to 18 of the impugned order passed by the High Court, which issued the said directions, are reproduced hereunder:

*"16. Be that as it may, all the supra required recourses for assigning the completest truth to the subscribing of thumb impressions on the original of the voter list Ex. P7, but remained unadopted by the learned trial Court concerned. The lack of adoption of the said recourses by the learned trial Court concerned, and, yet the learned trial Court concerned, after concluding that they were forged thumb impressions, resultantly also concluding that there was double casting of votes in favour of the present appellant, were but all ill made conclusions, or became based on pure surmises, and, no sanctity thereto can be assigned.*

*17. Be that as it may, the voters, whose votes were cast twice, upon theirs stepping into the witness box, were required to be presented with all the thumb impressions/signatures, as purportedly became made by them on the voters list, and, that too twice. However, even the said recourse remained unadopted. For failure of the said recourse being made, no conclusion was required to be made, as became inaptly drawn qua the voters concerned, thus voting twice.*

Final order

*18. For all the above stated reasons, this Court finds merit in the instant petition, and, is constrained to allow it. Consequently, the instant petition is allowed. The impugned orders are quashed and set aside. The matter is remanded to the learned trial Court concerned, but with a direction to it to after restoring the petition to its original number, thus ensure the stepping into the witness box of those voters, or their respective relatives, whose thumb impressions were made on the voter list, so that thereby they an express whether the same belong to them or do not belong to them. In case, the voters or their relatives deny the subscriptions of the apposite thumb impressions, as exist on the original of the voter list, thereupon the learned trial Court concerned, after obtaining the sample thumb impressions/admitted thumb impressions of the voters, shall send them along with the disputed thumb impressions of the voters concerned, to the Finger Print Bureau, who after making the apposite comparisons, shall make a report, whereafter on the basis of the said report, the learned trial Court concerned, shall re-draw a fresh decision."*

7. The original election petitioner is before this Court against the said order passed by the High Court remanding the matter for taking fresh evidence.

8. Having perused the material placed on record and having considered the submissions advanced by the learned counsel for the parties, we are of the view that the High Court ought not to have issued such directions for leading evidence as the Election

Petition is to be decided on the basis of evidence available on record as may be led by the parties. The appeal ought to have been decided on the basis of the material available before it and there could not have been such sweeping directions to call for witnesses and expert evidence when neither of the parties had raised any such issue before the Tribunal. There is no scope of filling up of lacuna in proceedings relating to Election Petition.

**9.** In that view of the matter, we set aside the impugned order passed by the High Court, restore the Writ Petition being CWP No.7443 of 2024, to be heard and decided on merits afresh based on material available on record.

**10.** All contentions/questions are left open for the parties to be raised before the High Court.

**11.** Since the elections were held in 2022 and the term would come to an end in 2027, the High Court may consider dealing with the matter on a priority basis. It goes without saying that both parties shall extend all cooperation in the hearing of the matter before the High Court.

**12.** The appeal is accordingly disposed of.

**13.** Pending application(s) shall also stand disposed of.

---

© All Rights Reserved @LiveLaw Media Pvt. Ltd.

\*Disclaimer: Always check with the original copy of judgment from the Court website. Access it [here](#)