

ELECTION COMMISSION OF PAKISTAN

MR. SIKANDAR SULTAN RAJA,	CHAIRMAN
MR. NISAR AHMED DURRANI,	MEMBER
MR. SHAH MUHAMMAD JATOI,	MEMBER
MR. BABAR HASSAN BHARWANA,	MEMBER
JUSTICE (R) IKRAMULLAH KHAN,	MEMBER

CASE No. F. 6(48)/2025-Law-III Club with 6(50)/2025-Law (III)

Subject: **APPLICATION UNDER ARTICLE 218(3) OF THE CONSTITUTION READ WITH SECTION 9 OF THE ELECTIONS ACT, 2017- REQUEST FOR IMPARTIAL INVESTIGATION INTO BYE-ELECTION OF NA-185, DERA GHAZI KHAN, SUSPENSION OF NOTIFICATION OF RETURNED CANDIDATE AND DECLARATION OF APPLICANT AS RETURNED CANDIDATE AFTER INVESTIGATION AND LEGAL ACTION AGAINST ALL PERSONS INVOLVED IN ELECTORAL RIGGING,**

Sardar Dost Muhammad Khan Khosa

.....Petitioners

Vs.

Mr. Mehmood Qadir Khan

.....Respondent

For the Petitioner : In-person alongwith Sardar Muhammad Latif Khan Khosa, Sr. ASC, Yasir Khosa, AHC, Muhammad Haseeb, AHC.

Sd/- For the Respondent : Barrister Taimoor Aslam Khan, ASC alongwith Mudassar Abbas.

Date of hearing : **15.01.2026**

O R D E R

Sikandar Sultan Raja, Chairman- Brief facts of the case are that the subject application dated 09.12.2025 under Section 9 of the Elections Act, 2017 was filed by Sardar Dost Muhammad Khan Khosa who was the contesting candidate of Pakistan Peoples Party Parliamentarians (PPP) in bye-election from constituency NA-185 D.G.Khan-II. He has raised various allegations regarding illegalities and irregularities committed by the polling staff and the opposite candidate. The notification of the returned candidate was issued on 27th November, 2025. The applicant has also filed a complaint under Section 9 through CMS portal which is also clubbed with the main case. It is pertinent to mention here that initially proper application along with documents were not filed, however, during hearing the counsel for the applicant

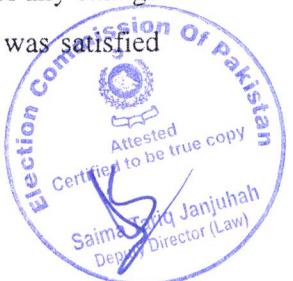


provided a paper book along with annexures which was taken on record and a separate number was marked on it.

02. Upon receipt of the first application and complaint on CMS portal, the matter was placed before the Commission for discussion and it was decided to fix the case for hearing with notices to the parties for 23.12.2025.

03. On 23.12.2025 the counsel for the Petitioner initially presented his case and submitted paper book/ petition along with annexures which was placed on record and office was directed to number the book and club it with the main petition. Furthermore, notices were issued to the returned candidate Mr. Qadir Khan for his appearance and the Returning Officer (RO) for submission of his report before the next date of hearing. The matter was adjourned to 07.01.2026. On 07.01.2026 the counsel for the Respondent filed power of attorney and sought time for filing of written reply. The report from the Returning Officer was received and the copies of it were handed over to the counsels for the parties. The counsel for the Petitioner also requested for permission to submit affidavits in support of his contentions on the next date of hearing. The request of both the counsels was allowed and the matter was adjourned to 14.01.2026. On 14.01.2026 junior counsel for the Respondent appeared and informed the Commission that senior counsel was on his feet before Supreme Court Registry at Lahore. He also stated that they do not want to file written reply and the senior counsel shall advance his arguments on the next date of hearing. The request of counsel for the Respondent was allowed and the matter was adjourned to 15.01.2026 for final arguments.

04. Today, the counsel for the Petitioner started arguments and submitted that the controversy is related to the conduct of bye-election in the constituency NA-185 D.G.Khan-II held on 23.11.2025. He added that out of eight eligible candidates, the main contest was between two candidates namely Mr. Mehmood Qadir Khan (Respondent) and Sardar Dost Muhammad Khan Khosa (Petitioner). He stated that as per form-49 issued by the Returning Officer, Mr. Mehmood Qadir Khan from PML-N secured 82,449 votes while Sardar Dost Muhammad Khan Khosa from PPPP secured 49,266 votes. He contended that his arguments are based on pre poll, poll day and post poll rigging by the polling staff and the returned candidate. He stated that at the very first instance the polling stations were shifted and the polling scheme was changed by the Returning Officer himself without seeking objections from the residents/ voters and candidates of the constituency. He added that as per the policy the polling scheme of the General Elections 2024 was required to be used for the conduct of bye-election in the constituency, however, the Returning Officer in violation of law and rules, changed the polling scheme of the polling stations in the final list issued on 23.11.2023 without notice of any change to the candidates and the voters of the constituency. He added that the applicant was satisfied



with the polling scheme issued for the General Elections 2024. He argued that being aggrieved with the final list published by the RO on 23.11.2023 an application was given to the Provincial Election Commissioner Punjab (PEC-P) and the District Returning Officer (DRO) of the Constituency. He in addition to it stated that 73 changes were made by him and inconvenience was created for the general public/ voters of the constituency. He also referred to a Writ Petition No. 13946/2025 titled as Sardar Dost Muhammad Khan Vs. ECP and 4 others before Lahore High Court, Multan Bench annexed with the report of Returning Officer of the reply and stated that the matter was agitated before Lahore High Court, Multan Bench which was dismissed and disposed of vide order dated 19.11.2025. He while commenting on the order of Lahore High Court stated that the court has passed the order against the law and did not consider my objections. He further highlighted that the office of RO was shifted in Border Military Police area due to security reasons without any justification which was done with the approval of the Commission. He also raised objections regarding transfers of DPO, ASP & SSP without any cogent reason. In addition to other objections he argued that the Returning Officer has appointed the Presiding Officers contrary to the provisions of Rule 48 of the Election Rules, 2017. He while adding argued that the staff was appointed below the grades mentioned in the Rule and the complaint in this regard was given to the DRO and it was also sent to the Commission through CMS portal. He also stated that a writ petition in this regard was filed before the Lahore High Court, Multan bench with writ petition No. 13947/2025 which was also disposed of without giving specific relief to the Petitioner. Another argument made by the counsel for the Respondent was that the sitting Ministers influenced the bye-election by conducting the election campaign of the Respondent for which the Commission has imposed fine upto Rs. 50,000/- which is available on record. He also presented four counterfoils and a book of ballot papers before the Commission for which he contended that these ballot papers and counterfoils were recovered by the Respondent from the Polling Stations which are already stamped and it was an attempt to rig the election (Original seen and returned). A USB containing the video evidence was presented before the Commission which was played in the court room on the projector screen. He while concluding his arguments submitted the case reported in PLD 2008 SC 779 by five Members bench of the Supreme Court titled as Aftab Shaban Meerani and the relevant page was 818 at placetum J. The main argument while relying upon the judgment was that the turnout of the voters was unnaturally high which is not supported by the Supreme Court of Pakistan. He prayed that his petition may be accepted and the result of the constituency may be declared void due to above mentioned illegalities and irregularities which has affected the result of the constituency.



05. The counsel for the Respondent Barrister Taimoor Aslam, ASC started his arguments while relying upon the judgments of the apex courts reported in 2024 SCMR 997 titled Zulfiqar Ali Bhatti Vs. ECP & others and PLD 2003 SC 1 Ali Asjad Malhi Vs. Mst. Syeda Nosheen Iftikhar & Others. He argued that the Electoral Process has been completed upon the issuance of notification by the Commission on 27.11.2025, therefore, in light of the above mentioned judgments the matter may be referred to the Election Tribunal for decision. He also argued that the apex courts has held in the abovementioned reported cases that the Commission can proceed by conducting summary proceeding under Section 9 of the Elections Act, 2017 while the Election Tribunals can thoroughly examine the evidence provided by the counsel for the Respondent. He further stated that the subject case requires recording of pro and contra evidence for which the Election Tribunal is functional which can proceed with the matter after examining the detail evidences of the parties and the Petitioner can bring all the allegations to the Election Tribunal. He also stated that the result of the whole constituency cannot be declared void as the Petitioner has only argued in respect of five polling stations. He also highlighted that initially no evidence was provided by the Petitioner along with the first application; however, as an afterthought additional documents were submitted to the Commission which can be fabricated and cannot be relied upon. He further stated that the Petitioner has raised all the objections regarding the pre election process which cannot be brought under the ambit of Section 9 of the Elections Act, 2017. He also stated that the Returning Officer has replied all the allegations of the Petitioner in his report along with supporting documents. The counsel for the respondent has also submitted the copy of latest order of the Commission in respect of NA-18 Haripur and requested the Commission to reject/ dismiss the application.

06. The Returning Officer in his report stated that the entire process of election was conducted in accordance with the provisions of law and in transparent manner by fulfilling all the legal and codal formalities. The election result was compiled in presence of the election agents of the contesting candidates and no discrepancies were found in Form 45 and 47. He also added that prior notices dated 23.11.2025 were also issued to the Petitioner/ candidate and his counsel regarding the consolidation of result under Section 95 of the Elections Act, 2017. He also stated that the notice was also posted outside the office of RO for 24.11.2025 for the purpose of consolidation. He denied the allegations raised by the applicant in the petition and also annexed the copies of the writ petitions Nos. 13946 & 13947/2025 and orders thereof, by the Lahore High Court, Multan Bench. He also stated that the RO camp office was within the jurisdiction of the said constituency and it was not a no go area. He further stated that the said area was safest place for election staff, material distribution, election material receiving, safe



accessibility and availability of transport and law and order situation. He also mentioned that the camp office was 0.5 KM away from the existing main office of RO and no misuse of Form-45 was reported before and during the election process. All the candidates and their election agents including the applicant were allowed to enter the RO office and the applicant was present to view the results with other candidates. The agents were present and witnessed the counting process and preparation of Forms. The RO has also highlighted that no complaint was received from the Petitioner or from any contesting candidate except for three polling stations for which factual report has already *been* submitted to the Commission. The RO in his report also negated the allegations of the applicant regarding change of polling scheme. He mentioned that the preliminary list of polling scheme was shared with the applicant as well as his counsel for objections and public notice was also issued regarding the said scheme for filing of objections by the applicant or the voters. The RO has also attached the evidence/ pictures regarding information of process of consolidation to the Petitioner. He also stated that an application was filed by the applicant dated 26.11.2025 regarding certified copies of the Forms which was provided to his counsel and the receiving is also attached with the report.

07. Arguments heard, report submitted by the RO and available record perused.

08. From the perusal of the record it is revealed that the petition has been filed with the following prayer:-

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1. "Order a completely impartial, independent and thorough investigation into the entire election process of Constituency NA-185 DG.Khan-II held on 23rd November, 2025 in light of Article 218(3) of the Constitution and Section 8 of the Elections Act, 2017.
2. Suspend the notification of success of the government-backed opposing candidate as Member of the National Assembly from NA-185 until the final decision on this petitioner;
3. After completion of investigation and verification of Forms 45, 46, 47 48 & 49, and after excluding all bogus, manipulated and unlawfully cast votes, issue notification declaring the Applicant as the returned (successful) candidate for NA-185, if so found on true count;
4. Order strict legal, criminal and departmental action against all persons involved in electoral rigging, manipulation, misuse of authority, illegal campaigning, and violation of the Code of Conduct;
5. Pass any other order or direction that this Hon'ble Commission may deem just, fair and proper in the circumstances to protect the integrity of the electoral process and the will of the people."

09. It is observed from the record and the arguments advanced by the counsel for the Petitioner that allegations has been raised regarding pre-poll, polling day and post-poll activity. The main objections raised by the counsel for the Petitioner were change of polling scheme, transfer of DPO, change of camp office of RO, wrong appointment of polling staff and rigging



by the contesting candidate etc. The evidence provided by the Petitioner has been minutely perused and it is observed that mere allegations have been raised by the Petitioner and even the evidence provided requires verification, authentication and recording of evidence. Furthermore, the Commission has the jurisdiction under Section 9 of the Elections Act, 2017 to declare a poll void in case of grave illegalities and irregularities which have materially affected the result of the poll at one or more polling stations or in the whole constituency. No incident of grave violation of Act or Rules, 2017 or rigging was reported to the Commission by the Petitioner during the poll day. Furthermore, in response to the applications referred by the Petitioner to the Commission timely reports were obtained from the RO and DRO and were decided accordingly. Proper and comprehensive report for the change of camp office of RO was obtained whereby, it was informed by the RO that the camp office is half a kilometer away from the main office of the RO and the area is not declared as no go area. A large parking facility was available for the candidates and their election agents along with storage and distribution of election material. He also mentioned that the place has already been used as camp office in the previous elections and no complaint of in-accessibility was received from any political party or candidate. Furthermore, the existing office of RO which was situated at office of Director Development and Finance were lacking the space needed for pre and post poll activities, therefore, after confirmation from all the sides the camp office was approved by the Commission. It is also necessary to mention here that no other candidate has raised objection regarding inaccessibility of camp office of RO. Furthermore, the Petitioner has also approached Lahore High Court, Multan Bench through writ petition which has been disposed of and the Petitioner did not challenge the order of Lahore High Court, Multan Bench before the apex court.

10. Secondly, the matter regarding wrong appointment of polling staff was also agitated by the Petitioner before the Lahore High Court, Multan Bench in which he has mentioned that the RO has mis-stated relevant facts, however, he chose not to approach any higher forum regarding the act of the RO. He has also not challenged the order of the Lahore High Court, Multan Bench before the apex court.

11. Thirdly, four counterfoil books and a book of ballot papers were presented by the Petitioner before the Commission during hearing (which were seen and returned) with the contentions that these counterfoils have been used for rigging and they have recovered the books from a polling station. However, this matter was not reported to the Commission nor the Commission can ascertain the genuineness of the books with naked eye, nor the signature of the Presiding Officers can be verified by the Commission without proper procedure and recording of evidence. The videos played before the Commission during hearing also require authentication in respect of fabrication by use of various tools. The RO has negated the



allegations raised by the Petitioner in respect of videos and he stated that the son of Petitioner was trying to harass the polling staff and was mis-treating the Police officials and a comprehensive report in respect of four polling stations has been forwarded by him upon taking notice by the Commission. Furthermore, no authentic evidence has been provided by the Petitioner regarding involvement of RO and the polling staff in illegal activities and corrupt practices. Mere allegations have been leveled and all the above mentioned allegations require proper probe, recording of evidence and cross examination of relevant persons by the court of competent jurisdiction. It is also mentioned here that the Commission has taken serious notice of violation of Code of Conduct issued for the political parties, candidates, polling agents, police personnel and media and fixed the matters for hearing in case of repeated violations or violation of Act and Rules in terms of Article 218(3) of the Constitution read with Sections 4, 8, 15, and 234 of the Elections Act, 2017. The District Monitoring Officer (DMO) has also imposed fine and all best efforts have been made by the Commission for transparent, free and fair elections in the constituency.

12. The Election Tribunal are functional and the matter requires recording of pro and contra evidence by the Election Tribunal, therefore, the subject petition is dismissed with the observations that the Petitioner may approach to the Election Tribunal concerned for re-dressal of his grievances, if so desire.

—sd—
 (Sikandar Sultan Raja)
 Chairman

—sd—
 (Nisar Ahmed Durrani)
 Member

—sd—
 (Shah Muhammad Jatoi)
 Member

—sd—
 (Babar Hassan Bharwana)
 Member

—sd—
 (Justice (R) IkramUllah Khan)
 Member

