

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-21470 of 2016 (O&M)

Date of Decision: July 04, 2016

Jasbir Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.L.Chander Shekhar, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.65 dated 12.05.2016 under Section 16 of Bonded Labour System (Abolition) Act, 1976 registered at Police Station Bhikhiwind, District Tarn Taran and all subsequent proceeding arising out of it.

I have heard learned counsel for the petitioner and have gone through the record.

At the time of argument, learned counsel for the petitioner argued that petitioner Jasbir Singh is not owner nor concerned with the Brick Kiln and he has been falsely implicated due to political rivalry. It is also admitted that challan has not been presented so far, which means the investigation is still going on. The facts whether Jasbir Singh has been falsely implicated or he has no concern with the said Brick Kiln, are firstly to be seen during the investigation by the Investigating Officer. The Investigating Officer is collecting the evidence and this is a premature stage to hold without any cogent document on the record, that Jasbir Singh

petitioner has no concern with the said Brick Kiln. The raid has been conducted on the direction of National Human Rights Commission, New Delhi in relation to complaint of Sukhwinder Kaur filed through Jai Singh, General Secretary, Volunteers for Social Justice and enquiry was conducted. As per the FIR, the members of Vigilance Committee along with complainant visited M/s New Dhillon Bricks Supply Co. village Sursingh, Tehsil Patti, District Tarn Taran on 22.04.2016. The enquiry concluded with the findings declaring Sukhwinder Kaur and her three family members as bonded labourers under the provision of Bonded Labour System (Abolition) Act, 1976 and the workers along with their families and belongings were released from all type of bondages with any person.

At this stage, when the investigation is still going on as argued by learned counsel for the petitioner himself, in no way, it can be held that no offence is made out nor at this stage, it can be held the present petitioner is not concerned with the Brick Kiln. It is written in the application given by the Sub Divisional Magistrate to register FIR against the Operator and Proprietor of M/s New Dhillon Bricks Supply Co. and that Jasbir Singh, owner is responsible under the provisions of Bonded Labour (Abolition) Act, 1976.

In view of the above discussion, I find that it cannot be held that registration of the FIR against the present petitioner is abuse of process of law or amounts to miscarriage of justice.

Therefore, finding no merit in the present petition, the same is dismissed.

However, nothing stated above, will constitute my opinion on the merits of the case.

July 04, 2016

V. Gulati

VINEET GULATI
2016.07.12 17:17
I attest to the accuracy and
authenticity of this document
Chandigarh

(INDERJIT SINGH)
JUDGE