

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

Criminal Writ Petition No.9 of 2016

Date of Decision:-March 01, 2016

Sonu Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

- 1. Whether reporters of local newspapers may be allowed to see judgment?*
- 2. To be referred to reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Present:- Mr. B.S. Saini, Advocate for the petitioner.

Mr. Ashish Yadav, Addl. A.G. Haryana.

HARI PAL VERMA J.(Oral)

Petitioner has filed the present petition under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus directing respondents No. 2 and 3 to get released the alleged detainee, as detailed in para No.5 of the petition.

In pursuance to notice of motion issued in the case on 06.01.2016, a report dated 07.01.2016 in the form of a reply was filed by the District Magistrate, Jhajjar. As per the said report, a committee was constituted by the District Magistrate, Jhajjar, under the headship of S.D.M. Beri, consisting of other official i.e. the Labour Inspector, Jhajjar, AFSO, Jhajjar and also the other police official of concerned police station, to inspect the site and to report

whether there is any violation of Bonded Labour Act, 1976. The committee was also directed to find out any detenue/bounded labour at M/s. KBC Company, Siwana, Tehsil, Beri Distt. Jhajjar. The said committee has inspected the site, recorded the statement of workers/labourers, who were found present at site as well as the statement of owner/proprietor of Brick Kiln. The labourers/ workers have informed the committee that they are/were free to bring their ration from Beri and there were no restriction on their movement. There were proper arrangement of their stay and all facilities/amenities, as are required at brick kiln were duly extended to them. The brick kiln owner used to pay them admissible wages. The labourers/workers have further stated that , as their account have already been cleared by the properietor of brick kiln, therefore, as and when they want to leave the brick kiln, they are free to do so.

The enquiry report which is signed by the abovesaid Committee has placed on record as Annexure R-1 along with the reply.

In view of the aforesaid reply, the petitioner was directed to remain present in Court on 11.01.2016, but he has not come forward and none has put in appearance on behalf of the petitioner on the last dates of hearing i.e. 11.01.2016 and 10.02.2016 and ultimately his non-bailable warrants were issued for today.

Pursuant to the order dated 10.02.2016, the petitioner, namely, Sonu Kumar, is produced in Court today. He submitted an affidavit tendering his unqualified and unconditional apology for his

mistake for filing the present petition.

Considering the fact that the said Committee has submitted a report, wherein, the allegations made by the petitioner were found false, coupled with the fact that petitioner has tendered his unqualified and unconditional apology for his mistake for filing the present petition, though, there is hardly any ground to exempt the petitioner, however, taking into consideration the fact that he is a poor person and submitted an affidavit to the effect that he will not commit such like mistake in future, this Court take a lenient view and the petitioner is cautioned not to invoke such like proceedings in future.

With the aforesaid observations, the present petition is accordingly disposed of

01.03.2016
Anjal

(HARI PAL VERMA)
JUDGE