

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 122

Criminal Writ Petition No.8835 of 2018 (O & M)
Date of Decision: December 31, 2018

Shakti Singh

..... PETITIONER

VERSUS

State of Haryana & others

..... RESPONDENTS

. . .

CORAM: **HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

. . .

PRESENT: - Mr. Rajender Kumar, Advocate, for the petitioner.

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Harnaresh Singh Gill, J (Oral)

Petitioner has filed this petition under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus directing the respondents to release the detenues mentioned in Para No.3 of the petition, at the premises of brick kiln of respondent Nos.4 to 6 or at any other place to be pointed out by the petitioner at the spot and get them released from the illegal custody of the respondents.

It has been held by this Court in **Murti Versus The State of Punjab and others, LPA No.32 of 2013**, as under:-

“It may be mentioned here that the allegations of the appellant in the writ petition are that the alleged detenues mentioned in para No.3 of the writ petition who are working as labourers at the brick kiln of respondent Nos.4 & 5 are being kept as bonded labours.

There can indeed be no doubt that if a labourer has been detained as bonded labour, it amounts to an offence under Sections 16 & 17 of the Bonded Labour (abolition) Act, 1976. We, however, clarify that the aforesaid observation does not mean that the allegations levelled by the appellant have been accepted. Suffice it to observe that under the Act, the District Magistrate is under statutory obligation to hold a fact finding enquiry as and when a complaint alleging violation of the provisions of Bonded Labour (Abolition) Act, 1976 is received. Since the appellant in the instant case has specifically averred that the persons mentioned in para No.3 of the writ petition have been detained as bonded labourers, we allow this appeal and set aside/modify the order dated 9.1.2003 passed by the learned Single Judge to the extent that the petitioner's writ petition is disposed of with a direction to the District Magistrate, Sangrur, to treat this writ petition as a complaint under the 1976 Act and take immediate action in accordance with law, within a period of one week from the date of receiving a certified copy of this order alongwith a copy of the writ petition."

Accordingly, this petition is disposed of with a direction to District Magistrate, Ambala to treat this petition as a complaint under the Bonded Labour System (Abolition) Act, 1976 and take immediate action in accordance with law, within a period of one week from the date of receiving a certified copy of this order alongwith a copy of the writ petition.

December 31, 2018
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(Harnaresh Singh Gill)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No