

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

**CRWP No.388 of 2019 (O&M)
Date of Decision: May 21, 2019**

Nirmal Gorana

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Arjun Sheoran, Advocate
for the petitioner.

Mr.Chetan Sharma, AAG, Haryana
for the respondent-State.

Mr.Parminder Singh, Advocate
for respondent No.5.

INDERJIT SINGH, J.

The petitioner has filed this criminal writ petition against State of Haryana and other respondents under Article 226 and 227 of the Constitution of India in the nature of Habeas Corpus for directing the respondents to present the detenues before this Court.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondent No.5 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

As per learned counsel for the petitioner, the persons named in

Mr.Shubham s/o Kehrseem, Ms.Shivani d/o Kehrseem, Ms.Chhoti d/o Kehrseem and Mr.Gully s/o Kehrseem, are kept as bonded labour by the private respondent. When notice of motion was issued, learned State counsel accepted the notice on behalf of respondents No.1 to 4 and it is also ordered by this Court that in terms of Section 12 of Bonded Labour System (Abolition) Act of 1976, it is the duty of the District Magistrate and every officer specified by him/her under Section 10 to inquire whether, after the commencement of this Act, any bonded labour system or any other form of forced labour is being enforced by, or on behalf of, any persons resident within the local limits of his/her jurisdiction and if, as a result of such inquiry, any person is found to be enforcing the bonded labour system or any other system of forced labour, he/she shall forthwith take such action as may be necessary to eradicate the enforcement of such forced labour. The District Magistrate, Panchkula, was further directed to depute responsible officer to visit the premises of RBT Brink Kiln, village Paploha, Tehsil Kalka and to ascertain whether the persons mentioned above are in illegal detention at the said brick kiln and if so, to get them released and also to file a report in this regard.

Learned State counsel has filed the compliance report in the Court, in which it is stated that a team under the Chairmanship of SDM, Kalka, consisting Tehsildar Kalka, Inspector, Food and Supply Officer, Kalka, SHO, Karnal and concerned Labour Inspector, conducted spot inspection on 22.04.2019. As per report, workers mentioned in the writ petition were not kept bonded by the brick kiln owner. One of the person, whose name is mentioned in Annexure P-1 as son of Kehrseem, namely

and stated that they have been kept as bonded labour. If Shubham is present in the Court along with counsel for the petitioner, therefore, he has not been kept as bonded labour by private respondent. Kehrseem appeared in the Court. He states that private respondent had not kept them as bonded labour and they were doing work as per their own consent.

Learned counsel for the petitioner argued that he is giving statement in the Court under pressure.

This Court, at this stage, does not find anything that Kehrseem is under the pressure of anybody.

In view of the above facts, no further action is required in this case and the same stands disposed of.

May 21, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No