

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-659-2019

Date of Decision: 29.11.2019

Basanti

.. Petitioner

Vs.

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: None for the petitioner.

Mr. Nischal Mann, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Article 226 of the Constitution of India seeking issuance of a writ in the nature of Habeas Corpus for release of the detenues mentioned in para No.4 of the petition from the illegal custody of respondent No.4.

On 29.07.2019, this Court had passed the following order:

“Record perused.

It is stated in the petition that the persons, names of whom have been mentioned in para No.4 of this petition, are kept as bonded labour by respondent No.4.

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 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 person resident within the local limits of his 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 shall forthwith take

such action as may be necessary to eradicate the enforcement of such forced labour.

Notice of motion for 13.08.2019.

In the meantime, the District Magistrate, Panchkula, shall either himself or shall depute a responsible officer to visit the premises of Jai Durga Brick kiln, situated in village Toka, Police Station Ramgarh, Tehsil and District Panchkula, and ascertain whether the persons as mentioned in para No.4 of the petition, are in illegal detention at the said brick kiln and if so, they shall be got released forthwith. A report in this regard shall be submitted in the Court on the date fixed.

To be shown in the urgent list.”

Pursuant to said order, status report of Mukesh Kumar Ahuja, District Magistrate, Panchkula-respondent No.2 has been filed. The relevant portion of the report reads as under:

“That it is submitted that from the perusal of the inquiry report of the Sub Divisional Magistrate, Panchkula and the statements of the co-workers and other persons present at the spot it is clear that the petitioner and the other persons were not kept by the brick kiln owner. All these labourers have left for their native village with their families after taking their expenses and luggage.”

In view of the reply, criminal writ petition has been rendered infructuous.

Dismissed as infructuous.

29.11.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No