IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP No.964 of 2019
Decided on: 17.10.2019

Hasim

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. R.K. Kataria, Advocate
for Mr. Narinder Dhull, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Petitioner has filed this petition under Articles 226/227 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.4 of the petition, from the illegal detention of respondents No. 4 and 5.

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*

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> *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 9.1.2013 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 Criminal Writ Petition is disposed of with a direction to District Magistrate-cum-Deputy Commissioner, Kurukshetra – respondent No.2 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 along with a copy of the writ petition.

(ARVIND SINGH SANGWAN)
JUDGE

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Whether speaking/reasoned Yes/No

Whether reportable: Yes/No

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