

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

CRWP No. 1559 of 2019(O&M)

Date of decision: - 10.12.2019

PARKASH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. D.C. Dhaula, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Vishwajit Bedi, Advocate for respondent Nos. 4 and 5.

HARNARESH SINGH GILL, J. (ORAL)

This petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus directing official respondents to get the detenues, mentioned in para No. 4 of the petition, released from the illegal detention of respondent Nos. 4 and 5.

Notice of motion was issued on 03.12.2019 for today.

Mr. Vishwajit Bedi, Advocate, has appeared and filed power of attorney on behalf of respondent Nos. 4 and 5 in Court today, which is taken on record.

A Division Bench of this Court in *LPA No. 32 of 2013*, titled '***Murti versus The State of Punjab and others***', has held 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 9.1.2013 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, Patiala, 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 receipt of a certified copy of this order along with a copy of the writ petition.

(HARNARESH SINGH GILL)
JUDGE

10.12.2019

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No