

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP-2580-2019

Date of decision: 24.12.2019

Roshni

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Aditya Partap Singh, Advocate
for the petitioner.

GIRISH AGNIHOTRI, J. (Oral)

Petitioner-Roshni wife of Sh. Biram Pal, resident of Gali No.85, Gohnda Road, Savtantar Nagar, Nerela, Delhi 40, presently labourer brick kiln under the name and style J.K. Situated at Village Sisana (Bakheta Road), Police Station Kharkhoda, Tehsil Kharkhoda, District Sonapat (Haryana), has filed the present Criminal Writ Petition.

Petitioner, in the present petition, has pleaded that her close relatives and other relatives, who are 04 in number, have been detained by respondents No. 4 and 5.

Learned counsel Mr. Aditya Partap Singh, has contended that the petitioner's husband also figures at Serial No.1, i.e. Biram Pal husband of Roshni (writ petitioner). Through the present petition, petitioner has prayed for a writ in the nature of Habeas Corpus for appointing a Warrant Officer for the release or produce of the detenues detailed in para no.2 of the present

petition. It has been urged that they have been illegally, unlawfully and forcibly detained by the private respondents No. 4 & 5.

Counsel for the petitioner has further pleaded that the Hon'ble Supreme Court of India in various judgments has held that the detenues being bonded labourers, are liable to be released from the clutches of Brick-Kiln owners as they are taking forcible work from them.

Learned counsel appearing for the petitioner has then relied upon an order dated 20.12.2019 passed in Criminal Writ Petition No.2463 of 2019 titled as '**Manga Singh @ Giani Vs. State of Haryana and others**'. Learned counsel further submits that his client would be satisfied if same directions are issued as given in the order dated 20.12.2019.

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.”

Therefore, this Court deems it appropriate to dispose of the present Criminal Writ Petition with a direction to respondent No.2, i.e. District Magistrate, District Sonapat (Haryana), to treat this petition as a complaint under the Bonded Labour System (Abolition) Act, 1976 and the competent authority may accordingly take immediate action in accordance with law, within a period of five days from the date of receipt of a certified copy of this order along with a copy of the writ petition.

(GIRISH AGNIHOTRI)
JUDGE

24.12.2019
anju rani

Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No