

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

266

CRWP-1995-2020

Date of Decision 16.03.2020

ESUPH

..... Petitioner

V/S

STATE OF PUNJAB AND ORS

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: None for the petitioner.

Mr. Harvinder Singh, Labour Enforcement Officer.

RAJ MOHAN SINGH J. (ORAL)

Present petition has been filed for issuance of a roving writ in the nature of Habeas Corpus in order to locate the detenues mentioned in para No. 6 of the petition.

[2] The petitioner has made allegations against the respondents No.4 to 8 that they have detained the detenues illegally. A reference of detenues has been given in para No. 6 of the petition.

[3] Vide order dated 20.02.2020 notice of motion was issued and the Deputy Commissioner, Hoshiarpur was directed to get the premises of respondents No.4 to 8 i.e. Brick Kiln Brand

SBK, popularly known as Gurunanak Field, situated between village Rampur and village Bindo, District Hoshiarpur or any other place pointed out by the petitioner, searched immediately and if the detenues are found to be in illegal confinement then get them released forthwith. Their statements be also recorded and a report be sent to this Court well in time.

[4] A report by way of short affidavit on behalf of District Magistrate, Hoshiarpur (respondent No.2) has been filed in Court today. The same is taken on record.

[5] In compliance of the aforesaid order Deputy Commissioner, Hoshiarpur constituted a team. Accordingly, Naib Tehsildar, Garhshankar alongwith Labour Enforcement Officer, Grade-2 and other officials of the Revenue Department visited the premises of M/s SBK where some persons were found present. Statements of 11 persons were recorded.

[6] As per their statements, the alleged detenues were working on the Brick Kiln for the last 08 days and now they do not want to work any more as their contractor had already left,

for his native place. Thereafter, the Committee proceeded to

record the fact that Truck canter No. UP-19-T-1207, has also arrived. The driver of which namely-Raj Kumar stated that he will leave the aforesaid persons to their native place and shall submit a report to that effect. As per the report filed by way of short affidavit of Harbans Singh PCS, Sub Divisional Magistrate Garhshankar, all the persons found at the Brick Kiln were allowed to go to their native place in the said truck.

[7] In view of the fact finding report submitted by the Sub Divisional Magistrate, Garhshankar, no further order is required to be passed in this petition. However, liberty is granted to the petitioner that in case, the aforesaid statement of fact is found to be incorrect, then he may move an appropriate application for revival of the present petition.

[8] Disposed of.

(RAJ MOHAN SINGH)
JUDGE

16.03.2020

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Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No