

127

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

CRWP No.2247 of 2020

Date of Decision: 28.02.2020

Radhey Sham

.....Petitioner

Vs

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. M.K. Bhatnagar, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J.

[1]. Petitioner seeks issuance of a direction in the nature of habeas corpus for the release of detainees as mentioned in para No.6 of the present petition.

[2]. Petitioner has also shown his relationship with that of detainees/co-villagers. It is a case of the petitioner that the detainees as shown in para No.6 of the present petition have been illegally detained by respondents No.4 and 5 and they are still in illegal detention of the aforesaid respondents.

[3]. In **LPA No.32 of 2013** titled "**Murti vs The State of Punjab and others**" following order was passed by the Division Bench of this Court:-

"It may be mentioned here that the allegations of the appellant in the writ petition are that the alleged detainees 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 Bounded 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."

[4]. Though District Magistrate, Kurukshetra has not been arrayed as party in the present case, but this crl. writ petition is disposed of with a direction to the District Magistrate, Kurukshetra to treat the present petition as a complaint under the Bonded Labour (Abolition) Act, 1976 and to take immediate action in accordance with law within a period of one week from the date of receipt of certified copy of this order. Copy of the crl. writ petition be also attached along with the order.

28.02.2020

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No