

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

131

CRWP-2789-2020

Date of decision: 17.03.2020

Parmjit Singh

.....Petitioner

Versus

State of Punjab & others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Surinder Gandhi, Advocate for the petitioner.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed this petition under Article 226 of the Constitution of India for issuance of a writ, order or direction in the nature of Habeas Corpus for directing respondents No.1 to 3 to get the detainees named in para No.3 of the petition released from illegal bondage of respondent No.4.

In the petition, the petitioner has mentioned that the petitioner had filed CRWP-2437-2020 earlier which was disposed of by Coordinate Bench of this Court vide order dated 05.03.2020 whereby District Magistrate, Tarn Taran was directed to make an enquiry into the averments made in the petition. In the above said petition, the brick kiln in question was wrongly stated to be situated within District Tarn Taran. Since, the brick kiln in question falls in the area of District Amritsar the present petition has been filed.

In view of the nature of relief sought and the order proposed to be passed, issuance of notice to the respondents is considered to be unnecessary.

It has been held by this Court in **“Murthi versus The State of Punjab and others”**, LPA No. 32 of 2013 decided on 11.01.2013, 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 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 respondent No.2–District Magistrate, Amritsar 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.

In view of the petition subsequently filed by the petitioner and order passed by this Court a copy of this order be placed in the record of CRM-M-2437-2020 and a copy of this order be also sent to District Magistrate, Tarn Taran for information.

(ARUN KUMAR TYAGI)
JUDGE

17.03.2020
Vinay

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