

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

117

CRWP-6935-2020

Date of decision: 07.09.2020

Deshpal

.....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Ashish Rawal, Advocate for the petitioner.

Mr. Sukhbeer Singh, Assistant AG, Punjab.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Deshpal, stated to be aged 44 years, has filed the present petition *inter alia* with a prayer for issuance of a writ in the nature of habeas corpus directing respondent No.5 to release the detenues mentioned in Para 3 of the petition, from illegal confinement of respondent No.5.

Learned counsel for the petitioner, based on the pleadings, submits that the petitioner and his wife were offered a job by respondent No.5, at his brick kiln at Village Tandi, District Kapurthala, Punjab. From the very beginning, due to the misbehaviour of respondent No.5, petitioner and other detenues were facing great hardship. The petitioner however managed to escape from the brick kiln but other detenues including his wife

(mentioned at Sr. No.1 in the chart made at Page-3 of the petition), are still detained at the brick kiln. In Para Nos.4 & 5 of the petition, learned counsel has referred to the submission that respondent No.5 has violated the provisions of The Contract Labour (Regulation and Abolition) Act, 1970, Punjab Contract Labour (Regulation and Abolition) Rules 1973. Learned counsel makes an oral prayer that in fact, the Deputy Commissioner of the concerned District (Kapurthala in the present case) have been authorised under the Bonded Labour (Abolition) Act, 1976, to conduct search of the premises. He further prays that the Deputy Commissioner, District Kapurthala, Punjab (respondent No.2) be directed by this Court to ensure the safety of the detenues and in case, they are found in illegal detention of respondent No.5 against their wishes, the detenues be got released.

Notice of motion.

On asking of the Court, Mr. Sukhbeer Singh, Assistant AG, Punjab, accepts notice on behalf of the State.

In view of the above, this Court deems it appropriate to dispose of the present petition with a direction to Deputy Commissioner, District Kapurthala, Punjab (respondent No.2) to visit the premises of respondent No.5 himself or through the authorized officer and act in accordance with law to ensure the safety of the detenues. In case, 13 persons named in Para 3 of the petition, are found to be detained in illegal custody of respondent No.5, he may proceed in accordance with law as per the Government instructions and take effective steps that may be required.

Let the needful be done within three weeks from the date of

receipt of copy of this order.

A copy of this order be sent to the Deputy Commissioner, District Kapurthala, Punjab (respondent No.2), by the Registry through e-mail or any other mode, so as to enable the said authority to do the needful expeditiously.

Criminal Writ Petition is disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

07.09.2020
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No