

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP No.7414 of 2020
Decided on: 01.10.2020

Dheeru and others

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Varun Mittal, Advocate
for the petitioners (through video conferencing)

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

The petitioners has filed this petition under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus directing the respondent No.3 to let to go back the petitioners to their villages and give them salaries for the last 03 months and not to harass and interfere in the personal liberty of the petitioners at the instance of the private respondents.

Reply by way of affidavit of Sub-Divisional Magistrate, Tapa, District Barnala, filed in the Court is taken on record, in which it is stated that the village Himmatpura do not fall in District Barnala and rather it falls in District Moga.

It has been held by this Court in “***Murti versus The State of Punjab and others***”, LPA No. 32 of 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 District Magistrate, Bathinda 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.

At this stage, on the oral request made by counsel for the petitioners, it is clarified that the village of brick kiln is Salamatpura,

District Bathinda and not Himmatpura.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

01.10.2020
yakub

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