

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

**CRWP No. 8246 OF 2020
DATE OF DECISION : 08.10.2020**

Arun Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Jatinder Kumar, Advocate,
For the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

ARUN MONGA, J. (ORAL)

This is a petition under Article 226 of Constitution of India seeking issuance of writ in the nature of habeas corpus for release of detenues, as mentioned in para 3 of the petition, from alleged illegal custody of private respondents.

2. Notice of motion.

3. Mr. Bhupender Singh, DAG, Haryana, who has joined proceedings on service of advance copy of the petition, appears and accepts notice on behalf of State of Haryana.

4. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

6. A Division Bench of this Court in a judgment rendered in an *intra court* appeal bearing LPA No. 32 of 2013 titled as "Murti v. State of Punjab and others" held 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 and 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 and 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 9.01.2013 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 along with a copy of the writ petition.

Since the issue involved is related to life and liberty of the detenues and even as per law laid down in Bandhua Mukti Morcha AIR 1984 that anybody can file the Writ Petition on behalf of the detenues.”

7. In view of the aforesaid, respondent No.2 i.e Deputy Commissioner, Panchkula is directed to look into the representation dated 01.10.2020 (Annexure P-1), submitted by the petitioner which is stated to be pending till date and take appropriate steps if deemed necessary, in accordance with law.

8. Keeping in view the urgency in the matter, it is expected of the Deputy Commissioner, Panchkula, to act as expeditiously as possible and in case interference on his behalf is warranted, appropriate action thereof be taken in accordance with law.

9. Disposed of in above terms.

OCTOBER 08, 2020
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(ARUN MONGA)
JUDGE

Whether speaking/reasoned : **Yes/No**

Whether reportable : **Yes/No**