

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118

CRWP-8344-2020

Date of decision: 12.10.2020

Budhan

....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Chander Shekhar Singhal, 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-Budhan, stated to be aged 55 years, has filed the present petition *inter alia* with a prayer for issuance of writ in the nature of habeas for the release of detenues (names mentioned in Para 4 of the petition), who are illegally detained by respondents No.4 to 6.

Learned counsel for the petitioner submits that the petitioner along with his family members, was contacted by respondents No.4 to 6 at their native village on 12.08.2020, at a brick kiln. It is submitted by learned counsel that private respondents No.4 to 6 are neither making any payment to the petitioner as well his family members nor they are allowing the

detenues (mentioned in Para 4 of the petition) to leave the job. Learned counsel then refers to Para 8 of the petition, to submit that the Division Bench of this Court had made reference to Sections 16 & 17 of the Bonded Labour (Abolition) Act, 1976, which observed in the order dated 11.01.2013, passed in *LPA-32-2013* titled *Murti vs. State of Punjab and others* that prima facie, if the allegations are found to be correct, it would amount to offence under the aforementioned Act. It is further contended that as per the order of the Division Bench, District Magistrate is under statutory obligation to hold a fact finding enquiry on receipt of the complaint.

Learned counsel for the petitioner further submits that for the same/similar grievance as made in the petition, the petitioner had also submitted a written representation dated 08.10.2020 (Annexure P-1), before the District Magistrate, Shaheed Bhagat Singh Nagar (Nawanshahar), but till date no decision has been taken.

Notice of motion.

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

Without commenting upon merits of the case, this Court deems it appropriate to **dispose of** the present petition with a direction to the District Magistrate, Nawanshahar, Punjab (respondent No.2) to visit the premises of respondents No.4 to 6 himself or through the authorized officer and act in accordance with law to ensure the safety of the detenues. Respondent No.2 is further directed to record the statement of detenues (09 persons named in

Para 4 of the petition) and in case, they are found to be detained in illegal custody of respondents No.4 to 6, 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 two months from the date of receipt of copy of this order.

A copy of this order be sent to the District Magistrate, Nawanshahar, 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

12.10.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No