

115

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

CRWP No. 10528 of 2020
Date of Decision: 16.12.2020

Sanjeev

-Petitioner

Versus

State of Punjab and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Prashant Vashisth, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video-conferencing.

[1]. At the very outset, learned counsel for the petitioner makes an oral request to implead District Magistrate, Hoshiarpur as party respondent No.5. On his oral request, District Magistrate, Hoshiarpur is ordered to be impleaded as party respondent No.5.

[2]. Petitioner seeks issuance of a writ, order or direction especially in the nature of habeas corpus for the release of detenues as mentioned in the head note of the present petition.

[3]. The case of the petitioner is that the detenues as shown in the head note of the present petition have been

illegally detained by respondent No.4 and they are still in illegal detention of the aforesaid respondent.

[4]. In **LPA No.32 of 2013** titled “**Murti vs The State of Punjab and others**” following order was passed by the Division Bench of this Court:-

“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.”

[5]. In view of the directions issued by the Hon'ble Division Bench in LPA No.32 of 2013, the crl. writ petition is disposed of with a direction to the District Magistrate, Hoshiarpur-respondent No.5 to treat the present petition as a complaint under the Bonded Labour (Abolition) Act, 1976 and to take immediate action in accordance with law within a period of one week from the date of receipt of certified copy of this order. Copy of the crl. writ petition be also attached along with the order.

December 16, 2020

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No