

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

Criminal Writ Petition No.946 of 2019

Date of Decision: January 27, 2020

Inder

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. B.S.Saini, Advocate,
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner-Inder has filed this petition under Article 226 of the Constitution of India seeking issuance of a writ in the nature of Habeas Corpus and warrant officer be appointed for release of the detenue mentioned in Para No.3 of the petition from the illegal custody of respondent Nos.4 to 7.

On 14.10.2019, notice of motion was issued and the following order was passed:-

“Learned counsel for the petitioner contends that the person, name of whom has been mentioned in para No.3 of this petition, is kept as bonded labour by the private respondents.

In terms of Section 12 of Bonded Labour System (Abolition) Act of 1976, it is the duty of the District Magistrate and every officer specified by him under section 10 to inquire whether, after the commencement of this Act, any bonded labour system or any other form of forced labour is being enforced by, or on behalf of, any person resident within the local limits of his jurisdiction and if, as a result of such inquiry,

any person is found to be enforcing the bonded labour system or any other system of forced labour, he shall forthwith take such action as may be necessary to eradicate the enforcement of such forced labour.

Notice of motion for 24.10.2019.

On the asking of this Court, Mr. Parveen Kumar Aggarwal, DAG, Haryana, accepts notice on behalf of respondents No.1 to 3. A complete set of paper-book be supplied to learned State counsel during the course of day.

In the meantime, the District Magistrate, Panipat, shall either himself or shall depute a responsible officer to visit the premises of brick kiln marka S.B.C., situated in the area of village Shahpur, P.S.Israna, District Panipat, and ascertain whether the person as mentioned in para No.3 of the petition is in illegal detention at the said brick kiln and if so, he shall be got released forthwith. A report in this regard shall be submitted in the Court on the date fixed.

A copy of this order be given dasti to the learned State counsel under the signatures of Court Secretary of this Bench.”

Pursuant to notice of motion in the petition, reply by way of affidavit of Sumedha Kataria, IAS, District Magistrate, Panipat and enquiry report of Secretary, Market Committee, Israna has been filed, wherein it is mentioned that the detenue was not found at the alleged place, much less, in the illegal detention. The relevant paragraph of the reply reads as under:-

“The raid was conducted by the above mentioned team at M/s SBC Bhatta Village Shahpur Tehsil Israna, District Panipat on 24.10.2019 and submitted report vide letter No.575/Steno dated 06.11.2019 to the effect that owner of brick kiln Shri Mohanlal Goyal s/o Sh.Hukum Chand was found present at the Brick Kiln and got recorded his statement in which he stated that he don't know the complainant Inder s/o Juman and he never worked at his brick kiln. He also stated that neither any labour has been kept as bonded at his brick kiln and nor any bonded labour has

been working here. Labours are free to move anywhere for their daily routine/work. False complaint has been moved against him. Joint statement of workers Sandeep, Saroj, Ravi etc. were got recorded in which they stated that they are working as munshi and watchman at M/s Sh.Satya Sai Brick Kiln village Shahpur District Panipat. Inder s/o Juman never came at this brick kiln for work. No one kept as bonded at their brick kiln. Brick Kiln is closed presently. Besides them, no one has been working at the brick kiln. Wages and other expenses are paid to all on time by the Brick Kiln owner. This complaint is false.”

In view of the reply filed by learned State counsel, learned counsel for the petitioner states that present petition has become infructuous.

Disposed off as such.

January 27, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No