

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

262

CRWP-1786-2019

Date of decision: 24.02.2020

Nitin Kumar

.....Petitioner

Versus

State of Punjab & others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : None for the petitioner.

Mr. Sandeep Singh Deol, D.A.G. Punjab
for respondents No.1 to 3.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed this petition under Article 226 of the Constitution of India praying for issuance of a writ in the nature of Habeas Corpus for the release of detenues mentioned in para No.3 of the petition from illegal custody of respondents No.4 and 5 by appointment of a warrant officer.

The Coordinate Bench of this Court, while issuing notice of motion vide order dated 06.12.2019, directed that respondent No.2— District Magistrate, SAS Nagar (Mohali) shall either himself visit or shall depute a responsible officer to visit the premises of M/s R.K.B. Brick Kiln at village Malikpur, Police Station Lalru, District SAS Nagar (Mohali) and ascertain whether the persons as mentioned in para No.3 are in illegal detention at the said brick kiln and if so, they shall be got released forthwith and report in this regard shall be submitted in the Court on the next date of hearing.

In compliance with order dated 06.12.2019, status report dated 12.12.2019 by way of affidavit of Sh. Navpreet Singh Shergill, Tehsildar, Dera Bassi has been filed on behalf of respondent No.2- District Magistrate, SAS Nagar (Mohali). In the said report it has been submitted that on 09.12.2019 Naib Tehsildar, Derabassi inspected the brick kiln Marka RKB, Village Malikpur. On the spot statement of

petitioner Nitin Kumar, Krishan Pal, Jagdish, Kala, Suresh, Sanju and Raj Kumar was recorded in which they had stated that they worked as labourer at the above-said brick kiln out of their own will. Whatever work has been done by them, they have been paid for the same by the brick kiln owner. The owner had never made them bonded labourers and now they want to get out of their own will. Statements of Mehboob, Bhagat Ram, Neetu and Raj Kumar, who were present at that time, were also recorded separately and they had stated that they are working in the brick kiln out of their own free will and freely go outside or come inside. There is no fore-wall/barbed wire at their quarters and whatever work has been done by them, they have been paid for the same by the brick kiln owner. No labourer has been made bonded by the owner of the brick kiln or has been harassed at any time. Statement of Suresh Kumar Jamadar and Ruldu Ram, Munshi was also recorded who stated that there is no harassment or non-payment to the labourers at their brick kiln.

In view of the above referred reply, no further action is required to be taken on the present habeas corpus petition which is disposed of accordingly.

(ARUN KUMAR TYAGI)
JUDGE

24.02.2020
Kothiyal

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