

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

CRWP-2334-2019

Date of decision-13.01.2020

Shishpal

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Avtar Singh Syan, Advocate for the petitioner.

Mr. Nishchal Mann, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner-Shishpal 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 detenues mentioned in para No.6 of the petition from the illegal custody of respondent Nos.6 to 8.

On 18.12.2019, notice of motion was issued and the following order was passed:-

“Notice of motion.

On the asking of the Court, Mr. Surender Singh, A.A.G., Haryana, accepts notice on behalf of the respondent.

Two copies of the petition be handed over to him during the course of the day.

Adjourned to 26.12.2019.

The Deputy Commissioner, Sonapat, is directed to depute an Executive Magistrate to the premises of respondents no. 6 to 8, to determine whether the three persons whose names are given in paragraph 6 of the petition, i.e. Ram Dass, Bittu and Sukhram, have been illegally detained there or not, and if so to ensure that they are immediately released from there, with the report of the Magistrate to

be submitted to this Court, by the next date of hearing.”

Pursuant to notice of motion in the petition, reply by way of affidavit of Anshaj Singh, IAS, District Magistrate, Sonapat and enquiry report of the Sub Divisional Magistrate, Gohana has been filed, wherein it is mentioned that none of the detenues were found at the alleged place, much less, in the illegal detention. The relevant paragraph of the reply reads as under:-

“That the during inquiry Sh.Ramdass s/o Sh.Hari Chand, Bittu s/o Sh.Ramdass alongwith petitioner Sh.Shishpal S/o Sh.Ram Dass were found present and their statements were recorded on the spot (attached as Annexure R/2). As per their statements Sh.Sukhram has already gone to his house on 18.12.2019 and the bricks kiln has already been closed by Government due to which work on the bricks kiln has not been done and we want to go our native village Dhutal Tehsil Patda District Patiala. We are not made bounded by the owner of the brick kiln. All the above mentioned labourers have been send to their native village under the protection of Sh.Satbir Singh,EAI 732, Sonipat. The premises of the said brick kiln was checked and no evidence of illegal detention/bonded labourers was found.”

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.

(MANOJ BAJAJ)
JUDGE

13.01.2020

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No