

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

221

**CRWP-2342-2019
Date of decision: 06.01.2020**

Irfan

.....Petitioner

Versus

State of Punjab & others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. R.S. Duggal, Advocate for
Mr. Subhash Kumar, Advocate for the petitioner.

Mr. Arun Kaundal, DAG, Punjab.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed present petition under Article 226 of the Constitution of India for the issuance of a writ in the nature of habeas corpus for appointing the warrant officer for release of detenues whose names were mentioned in para No.4 of the petition from illegal custody of respondents No.5 to 8.

Vide order 18.12.2019 while issuing notice of motion to the respondents, respondent No.2-District Magistrate, Patiala was directed to personally look into the allegations made in the petition and file an affidavit by the next date of hearing.

In compliance with the above referred order, report by way of affidavit of Kumar Amit, I.A.S., District Magistrate-cum-Deputy Commissioner, Patiala has been filed on behalf of respondent No.2. In the report, the above said deponent has submitted that a team consisting of Tehsildar Patran, Naib Tehsildar Patran, Field Kanugo, SHO Ghagga and Labour Enforcement Officer, Patiala visited the spot and recorded statements of Harsh Gupta, owner of the brick kiln and labourers

present on the spot. Complainant Irfan was called by the team but he was not present at the spot and his statement could not be recorded. Statement of 27 out of 29 persons mentioned in para No.4 of the petition was recorded. In their statement they admitted that they came to work with Aryan Brick Kiln, Nanhera of their own will; no advance cash was received by them from brick kiln owner and they have not worked in this brick kiln and stated that they no longer want to work there and want to go back to their native place. In the report it has been further mentioned that the above said persons were allowed to leave the place as per their will; after inquiry, the team came to the conclusion that the case did not seem to be a case of bonded labour; major concern of the complainant was resolved at the spot and that no person was illegally detained at Brick Kiln, Nanhera, Tehsil Patran, District Patiala.

Learned counsel for the petitioner has not disputed this factual position.

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

06.01.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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