

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

CRWP No.801 of 2021

Date of Decision: January 27, 2021

Rajesh Kumar

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Aditya Partap Singh, Advocate,
for the petitioner.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of the COVID-19 pandemic.

The present petition has been filed under Article 226 of Constitution of India for issuance of writ in the nature of habeas corpus to get the detenues, as detailed in paragraph No.2 of the petition, released from the illegal detention of respondents No.4 and 5.

The Hon'ble Division Bench of this Court in LPA No.32 of 2013, titled '***Murti versus The State of Punjab and others***', has made observations, which are as herein given:-

“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."

In view of the aforesaid dictum, this Criminal Writ Petition is disposed of with the direction to the District Magistrate, Fatehgarh Sahib, to treat this petition as complaint 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 along with a copy of the criminal writ petition.

(ARCHANA PURI)
JUDGE

January 27, 2021
Vgulati

Whether speaking/reasoned
Whether reportable

Yes
Yes/No