

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.4429 of 2021.
Date of Decision:-10.05.2021.

(Heard through Video-Conferencing)

Raj Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Nand Lal Sammi, Advocate for the petitioner.

MEENAKSHI I. MEHTA J. (Oral)

By way of this petition, petitioner Raj Kumar has approached this Court for seeking the relief of the issuance of a writ in the nature of *habeas corpus* directing respondents No.2 and 3 to get the detenues, as mentioned in para 3, released from the illegal detention of respondents No.4 to 7 and their accomplices.

The averments, in brief, as canvassed by the petitioner in the instant petition are that the aforesaid detenues have been illegally detained by respondents No.4 to 7 to work in their brick kiln as bonded labourers, without payment of their due wages.

The Hon'ble Division Bench of this Court in ***LPA No.32 of 2013*** titled as **“Maruti Vs. State of Punjab and others”**, has made the

following observations:-

“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 the light of the afore-cited observations, the present petition is hereby disposed of with a direction to the District Magistrate, Shaheed

Bhagat Singh Nagar, to treat this petition as a complaint under the Bonded Labour (Abolition) Act, 1976 and to take immediate appropriate action thereon in accordance with law within a period of one week from the date of receipt of the certified copy of this order along-with the copy of the instant criminal writ petition.

(MEENAKSHI I. MEHTA)
JUDGE

May 10, 2021.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.