

CRWP-8775-2021.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-8775-2021.

Date of Decision:-14.09.2021.

Mukesh

.....Petitioner

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Chander Shekhar Singhal, Advocate for the petitioner.

VIKAS BAHL, J. (Oral)

This is a criminal writ petition filed under Articles 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for the release of detenues mentioned in para 4 of the petition who was stated to have been illegally detained by respondent Nos.4 to 7 at the premises Batha Marka Sidhu Gursewak Sidhu and appoint Warrant Officer to locate the detenues who are stated to be in the illegal detention.

It has been averred in the petition that 21 persons who have been named in paragraph 4 of the petition have been illegally detained in the brick kiln of respondent Nos.4 to 7. The petitioner was also being detained on 10.09.2021 but he managed to escape. The said action of respondent Nos.4 to 7 is in violation of the provision of The Bonded Labour (Abolition) Act, 1976.

It has been held by this Court in “**Murti versus The State of Punjab and others**”, **LPA No. 32 of 2013**, as under:-

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“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.”

Accordingly, the present Criminal Writ Petition is disposed of with direction to District Magistrate, Barnala-respondent No.2 to treat this petition as a complaint under the Bonded Labour (Abolition Act), 1976 and take immediate action in accordance with law, within a period of one week from the date of receipt of certified copy of this order alongwith copy of the writ petition.

(VIKAS BAHL)
JUDGE

September 14, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No