

(125) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRWP-9704-2021
Date of Decision:08.10.2021

Wazid ... Petitioner

Vs.

State of Haryana and others ... Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present : Mr. Chandra Shekhar Singh, Advocate
for the petitioner.

VIKAS BAHL, J. (Oral)

Case is taken up for hearing through video conferencing.

Prayer in the present Criminal Writ Petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of habeas corpus to release the detenues (as mentioned in para 4 of this petition) from the illegal detention of respondents No.4 to 7.

It has been averred in the petition that although the petitioner alongwith his family members and co-labourers were contracted by the private respondents No.4 to 7 to mould bricks for their brick kiln but they were not given the payments as agreed upon by them rather private respondents No.4 to 7 started to beat them with the help of their musclemen. The petitioner with great difficulty managed to escape from the brick kiln on 30.09.2021 and thereafter made a representation on 1.10.2021. It has been averred in the petition that 8 persons mentioned in para 4 of the petition are still detenues and have been kept in illegal confinement by respondents No.4 to 7. Hence, they have violated the mandatory provisions of the Bonded Labour (Abolition) Act, 1976 and are also liable for the prosecution.

It has been held by this Court in **Murti v. The State of Punjab**

and others; LPA No.32 of 2013 as under:

“It may be mentioned here that the allegations of the appellant in the writ petition are that the alleged detnues mentioned in para No.3 of the writ petition who are working as labourers at the brick kiln of respondents Nos.4 and 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 09.01.2013 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 Deputy Commissioner, Panchkula-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

08.10.2021
rajeev

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No