

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRWP No.10562 of 2021 (O&M)

Date of Decision:08.11.2021

Sameem

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Mr. Gurmeet Singh, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed for issuance of a writ in the nature of habeas corpus for release of detenues as mentioned in para 4 of the petition alleged to be detained illegally by respondents No.4 to 6.

Learned counsel for the petitioner herein would contend that petitioner and his family members were contacted by respondents Nos.4 to 6 in the month of October, 2021 to work on their brick kiln for loading and unloading of *kacha* bricks on payment of Rs.2000/- per month. Respondents No.4 to 6 after making payment for some time to the petitioner and his family members, stopped paying them wages and started taking forcible work from them. It is further contended that when they objected to the said action of private respondents, they were harassed and humiliated and illegally detained to take forcible work from them without any payment. The petitioner herein escaped from illegal detention of private respondents on 04.11.2021 and approached respondent No.2 vide representation dated 5.11.2021 (Annexure P-1) to get released his family members from illegal

detention of respondents No.4 to 6 but respondent No.2 asked the petitioner to approach this High Court for appropriate direction.

Learned counsel for the petitioner would further argue that as per the judgment rendered by Division Bench of this High Court in LPA No.32 of 2013 titled as *Murti Vs. State of Punjab and others* decided on 11.01.2013, respondent No.2 has to conduct enquiry as per Section 12 of the Bonded Labour System (Abolition) Act, 1976 by treating the representation as complaint and to get the detenues released forthwith in case they are founded to be bonded labour by private respondents but no action has been taken by respondent No.2 on the representation of the petitioner herein.

Notice of motion.

Mr. A.S. Gill, Sr. DAG, Punjab, who is present in Court, accepts notice on behalf of official respondents and submits that the official respondents will look into the matter and will take a decision on the representation of the petitioner. Let sufficient number of copies of the complete paper book be supplied to him during the course of day.

5. In view of the above, the instant petition is disposed of with a direction to respondent No.2 to treat the representation (Annexure P-1) made by the petitioner as a complaint and conduct an enquiry as per Section 12 of the Bonded Labour System (Abolition) Act, 1976 and in case the detenues are found in illegal detention of private respondents, they be released forthwith.

(JAISHREE THAKUR)
JUDGE

November 08, 2021
Pankaj*

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No