

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

119

**CRWP-10612-2021
Decided on : 09.11.2021**

Haneef

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Chander Shekher Singhal, Advocate
for the petitioner.

VIKAS BAHL, J. (Oral)

The present Criminal Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for the release of the detenues mentioned in para 4 of the petition who are illegally detained by respondents No. 4 to 8, who are the owner of Brick kiln situated in village Killi Chahlan, Police Station Ajitwal, Tehsil and District Moga.

It has been averred in the petition that the petitioner alongwith 42 persons, who have been mentioned in para 4 of the petition, had been illegally detained by respondents No. 4 to 8 in their brick kiln and from them forcible work was being taken without making any payment and without allowing them to move out of the said brick kiln. It is further averred that the petitioner was able to escape the said brick kiln on 05.11.2021 at night but however, the rest of the 42 persons, who have been mentioned in paragraph 4 of the petition, are still being detained by respondents No. 4 to 8 and are being maltreated in complete violation of the provisions of The Bounded Labour

(Abolition Act, 1872) and regarding the same, a representation has also been given to the District Magistrate, Moga.

It has been held by this Court in “Murti vesus 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 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 Bounded 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, District Moga- respondent No. 2 to treat this petition as a complaint under the Act of 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

9th November, 2021

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No