

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

(Heard through VC)

CRWP No.10670 of 2021 (O&M)
Date of Decision: November 11, 2021

Jitender Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. C.S. Singhal, Advocate
for the petitioner.

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 and 5.

Learned counsel for the petitioner herein would contend that petitioner and his family members were contacted by respondents Nos.4 and 5 in the month of September, 2021 to work on their brick kiln for loading and unloading of kacha bricks on payment of Rs.300/- (i.e. Rs.300/- per thousand) only. Respondents No.4 and 5 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 05.11.2021 and approached respondent No.2 vide representation dated 06.11.2021 (Annexure P-1) to get released his family members from illegal detention of respondents No.4 and 5, 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 to the official respondents only.

At this stage, Mr. Kuldeep Tiwari, Addl. AG Haryana, who is appearing through the medium of video conferencing, accepts notice on behalf of the 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.

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 within three days and in case, the detenues are found in illegal detention of private respondents, they be released forthwith.

November 11, 2021
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No