

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

125

CRWP-10779-2021

Decided on : 12.11.2021

Naushad

. . . Petitioner

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Subhash Kumar, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (Oral)

Prayer in the present Criminal Writ Petition filed under Articles 226 of the Constitution of India is for issuance of a writ in the nature of Habeas Corpus for appointing the warrant officer for the release or produce the detenues detailed in para 4 of the petition who are stated to have been illegally, unlawfully and forcibly detained by respondent Nos. 6 to 8 with the help of 8-10 musclemen at brick kiln of the respondent No. 6.

It has been averred in the petition that the petitioner alongwith 6 other persons, as mentioned in para 4 of the petition, have been working at brick kiln of respondent No. 6. The respondents Nos. 6 to 8 are now not even paying the wages as due to the petitioner and the said persons and an outstanding amount of Rs.1,00,000/- is due from respondent Nos. 6 to 8. The petitioner with great difficulty was able to escape on the pretext of the medical treatment in the earlier hours of 12.11.2021 but other 6 detenues, as mentioned in para 4 of the petition, are still being detained by respondents No. 6 to 8 and they are being made to

forcibly work and thus, the said act of respondent Nos. 6 to 8 is in violation of the mandatory provisions of the Bonded Labour (Abolition) Act, 1976 (hereinafter to be referred as “the Act of 1976”).

It has been held by this Court in “**Murti versus 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 Sonipat- respondent No. 3 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

12th November, 2021

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No