

CRWP-11253-2021

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

(121)

CRWP-11253-2021.

Date of Decision:-26.11.2021.

Amit

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Narender Dhull, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.
(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a criminal writ petition under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus directing respondent Nos.1 to 4 to release the detenues as detailed in Para 4 of the petition, who are stated to be in the illegal custody of respondent Nos.5 to 10.

It has been stated in the petition that respondent Nos.5 to 10 contacted the petitioner and other detenues in their village Sangrur during the first week of November, 2021 for moulding kacha bricks for their brick kiln situated at village Chaunda, Tehsil and Police Station Amargarh, District Sangrur and had agreed to pay Rs.750/- per thousand kacha bricks. The petitioner and the other detenues were not even paid a single penny and were neither allowed to move out of the said brick kiln and the muscle-men

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of respondent Nos.5 to 10 kept a close watch on the same and with difficulty, the petitioner was able to come out and reach Chandigarh on 25.11.2021 but the 11 other detainees as detailed in Para 4 of the petition are still in illegal detention of respondent Nos.5 to 10 and, thus, the said Act is in flagrant violation of the provisions of the Bonded Labour (Abolition) Act, 1976 (for short 'the Act of 1976') and in this regard, the petitioner has given a representation dated 15.11.2021 (Annexure P-1) to respondent No.3-Senior Superintendent of Police, District Sangrur.

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 detainees 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 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

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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, Sangrur-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 along-with copy of the writ petition.

(VIKAS BAHL)
JUDGE

November 26, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No