

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

Sr. No. 116

**CRWP No. 174 of 2022
Date of decision: 07.01.2022**

Mukesh

..Petitioner

Versus

State of Haryana and others

..Respondents

(Heard through Video-Conferencing)

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

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

MEENAKSHI I. MEHTA J. (Oral)

By way of the instant petition, the petitioner seeks the indulgence of this Court for the issuance of a writ in the nature of habeas corpus for the release of the detenues and MXX Tractor along-with Trolley, as detailed in para 4 of this petition, from the illegal custody of respondent No.4, by appointing a Warrant Officer.

Bereft of unnecessary details, the averments, as canvassed by the petitioner in this petition, are that the said persons, as named in para 4, are his close relatives and they have been illegally detained by respondent No.4 to work in his brick-kiln without making any payment of wages to them.

The Hon'ble Division Bench of this Court, in ***LPA No.32 of 2013***, titled as '***Murti versus The State of Punjab and others***', has made

the following observations:-

“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 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 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.”

In the light of the above-cited observations, the present petition is hereby disposed of with a direction to respondent No.2-District Magistrate, Bhiwani, to treat this petition as a complaint under the Bonded Labour (Abolition) Act, 1976 so far as both the alleged detenues named Satyawar and Arjun are concerned and to take immediate appropriate action in accordance with law within a period of one week from the date of receipt of certified copy of this order along-with the copy of the instant criminal writ petition. As regards the release of the said Tractor and trolley, the petitioner may resort to the appropriate efficacious remedy, as may be permissible to him under the law, for this purpose.

07.01.2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No