

**129 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRWP-326 of 2022
Date of Decision: 12.01.2022**

Rafikul Mia ...Petitioner
Versus
State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vijay Kumar, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

(Through Video Conferencing)

ANOOP CHITKARA, J.(ORAL)

Seeking release of detenu, the petitioner has come up before this Court under Article 226 of the Constitution of India.

Notices served upon the official respondents through the State's counsel. Given the nature of the order, this Court proposes to pass, neither the response of official respondents is required nor exists any requirement to issue notices to the private respondents.

It is relevant to extract the relevant portion of the petition which contains the details of the alleged detenues as below :-

Sr. No.	Name of detenu	Age
1.	Bappa Mian	25 years
2.	Nozina Bibi	23 years
3.	Rohan	05 years
4.	Mahira Khatoon	02 years

Prima facie, the allegations against the respondents No. 4 and 5 are that they hired the above mentioned detenues for manufacturing bricks/nikashi at their brick kiln at the rate of Rs.220/- per thousand bricks/nikashi. The above mentioned detenues prepared about two lakh

bricks and nikashi was also done but the respondents No. 4 and 5 paid them only Rs.24,000/- against Rs.44,000/- (Rs.20,000/- less) as agreed between the parties and when the detenu asked for their arrear amount, the respondents No.4 and 5 kept on delaying the payment on one pretext or the other and also detained the above mentioned persons illegally. It points out towards some restrain. Given above, in the facts and circumstances peculiar to this case, it shall be appropriate that the concerned Sub Divisional Magistrate, either on its own or through warrant officer or any other officer authorized by DM/SDM, must visit the place of detention and, if the persons are found to be in illegal custody, ensure immediate release, subject to verification, that there are no *mala fide* intentions and the custody is *bona fide*, apart from other aspects. If such an officer needs police assistance, then the SHO of the concerned police station(s) shall provide it.

This petition is disposed of with the aforesaid directions which be complied with on priority. It is clarified that there is no adjudication on merits. It is also clarified that this order is not a blanket bail in any FIR. It is further clarified that this order shall not come in the way if the interrogation of the detenu is required in any cognizable case. It shall also be open for the petitioner to approach this Court again for any surviving grievance.

Petition is disposed of to the extent mentioned above. All pending applications, if any, stands disposed of.

(ANOOP CHITKARA)
JUDGE

January 12, 2022
Manpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No