

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

125

CRWP-569-2022

Decided on : 19.01.2022

Irfan

. . . Petitioner

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. Arvind Galav, Advocate
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

VIKAS BAHL, J. (Oral)

The present Criminal Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus to release the detenues mentioned in para No. 4 of the present petition from the illegal custody of respondent Nos. 4 to 6.

It has been averred in the petition that the petitioner alongwith other detenues was contacted by the respondent Nos. 4 to 6 who have brick kilns for the purpose of making Kachha bricks @ Rs. 550/- per thousand in the second week of December, 2021. It is submitted that the persons who came in the brick kiln were not permitted to go back to their native villages and are not permitted to move freely, in grave violation of the provisions of the Bonded Labourer System Abolition Act of 1976. It has been stated that although, the petitioner was able to come out of the said illegal confinement but as many as 16 persons, who have been

detailed in para 4 of the present petition, are still in the illegal custody of respondent Nos. 4 to 6.

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 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.”

Accordingly, the present Criminal Writ Petition is disposed of with a direction to the District Magistrate, District Mahendargarh-respondent No. 1 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 present petition.

(VIKAS BAHL)
JUDGE

January 19th, 2022
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No