

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRWP-1397-2022
Date of decision : 14.02.2022

Satto

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Amit Kumar Walia, Advocate
for the petitioner.

Mr.Harbir Sandhu, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is a Criminal Writ Petition under Article 226 of the Constitution of India praying for issuance of an appropriate writ, order or direction in the nature of habeas corpus directing official respondents no.1 to 3 to get released the detenues mentioned in para 3 of the petition, from the illegal custody of respondents no.4 to 6 who are running brick kiln.

It has been averred in the petition that petitioner is a resident of New Vikas Nagar, Loni Dehat, Ghaziabad, U.P. and the 34 detenues, as mentioned in para 3 of the petition, some of whom are relatives of the petitioner, were engaged as labourers by respondent no.4 who is owner of the brick kiln in which respondents no.5 and 6 are working as Munshi and the petitioner has been telephonically informed that the said persons have been detained at the brick kiln forcibly and illegally and against their wish.

It has further been averred that respondents no.4 to 6 are not even paying wages to the detenues and they have done acts in violation of mandatory provisions of the Bonded Labour (Abolition) Act, 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 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.”

with direction to District Magistrate, Tarn Taran-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

February 14, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No