

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

237

CRWP-1675-2022
Decided on : 28.03.2022

Ishklal

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Aditya Partap Singh, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The present Criminal Writ Petition has been filed under Article 226 of the Constitution of India for the issuance of a writ in the nature of Habeas Corpus for the release of the detenues mentioned in para No. 2 of the petition from the illegal custody of the private respondents.

On 23.02.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“Case heard via video conferencing.

By this petition the petitioner seeks issuance of a writ in the nature of Habeas-Corpus for the release of the persons named in para No.2 of the writ petition, from the (allegedly) illegal custody of respondents No.4 and 5, by appointing a warrant officer.

Notice of motion.

Mr. M.S.Nagra, AAG, Punjab accepts notice at the asking of the court on behalf of the respondents No.1 to 3.

A copy of the petition be supplied to him today itself by learned counsel for the petitioner.

Respondent nos.4 and 5 be served by way of normal process.

The Deputy Commissioner, Ropar, is directed to depute the SDM concerned within whose jurisdiction the brick kiln of respondents No.4 and 5 would fall, to conduct a raid upon the said brick kiln immediately and if the 9 persons whose names are given in paragraph-2 of the petition are found to have been kept there, against their wishes, they shall be immediately got released and appropriate action taken against respondents No.4 and 5 (and any other person involved).

The SDM would file an affidavit as regards his finding before the next date of hearing, failing which the Deputy Commissioner, Ropar shall be summoned to the Court.

Adjourned to 28.03.2022.

23.02.2022

Sunil Devi

(AMOL RATTAN SINGH)
JUDGE”

In pursuance of the said order, the District Magistrate-cum-Deputy Commissioner, Ropar has filed his affidavit. Paragraphs 4 and 5 of the said affidavit are reproduced hereinbelow:-

“4. That the aforementioned team visited the Brick Kiln situated at Village Dhangoli did not find any detainee as mentioned in the writ petition. Even no illegality or Irregularity of any kind has been found by the aforesaid team at the spot. The writ petitioner labourer namely Ishklal and the persons mentioned in the writ were not found present there at the spot. The owner of Brick kiln Mohit Garg was present at the spot and his statement was recorded. He got his statement

recorded that the labourer namely Ishklal was working at this brick kiln who has left this brick kiln about 2 months ago after receiving full wages of his work. The other laborers arrayed in this writ petition have also received their work remuneration. They can leave this brick kiln on their own wish. We do not have any objection regarding the same. The contents stated in the writ petition are totally wrong. No one was taken captive neither anyone was beaten. The common statement of 9 persons kuldeep, Nikhil, Rakesh, Jeeta, Sonu, Baby, Sukan, Nigam, channa, present on the Brick Kiln, was also recorded. They got recorded that petitioner Ishklal has already left the brick kiln approximately 2 months ago. Now we want to leave for our homes from this brick kiln. Owner of the brick kiln has paid our full work remuneration and Brick kiln owner do not put any restriction on us regarding the same. We were not harassed or held captive. The brick kiln is not surrounded by frameworks and we can freely move from here to there. We were not ever beaten by anyone. The others working labours stated that we are doing labour work at this brick kiln since last 6 months. Ishklal who has filed the writ petition has left the brick kiln and has received full remuneration for the work done by him from the brick kiln owner. Others persons arrayed in the writ petition have also been paid full wages for their work by the brick kiln owner. The brick kiln owner does not harass or beat/ maltreat any laborer and we are working on this brick kiln as per our own wish. The owner takes care of our accommodation arrangements. Nobody has any problem while working at the brick kiln. The copy of the statement of the brick kiln owner Mohit Garg was recorded in that regard, which is annexed herewith as Annexure R-1/T. The statement of 9 persons

was also recorded in that regard, which is annexed herewith as Annexure R-2/T. The copy of the common statement given by labourers to the team formed by SDM, Rupnagar is attached herewith as Annexure R-3/T.

5. That thereafter the report dated 16.03.2021 has been submitted by the Tehsildar, Rupnagar, which is attached herewith as Annexure R-4/T. No harassment has been caused to the labourers at the brick kiln and no case of bonded labour was detected. Hence the present Petition is liable to be dismissed.”

A perusal of the above affidavit would show that the statement of 9 persons, who are stated to be in illegal custody, was recorded and it was found that no one has been harassed or held captive and even the wages have been paid and the petitioner Ishklal had left the brick kiln about two months ago after receiving full wages.

Keeping in view the abovesaid affidavit, to which there is no rebuttal, the present petition is dismissed.

(VIKAS BAHL)
JUDGE

March 28th, 2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No