

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

**CRWP-2029-2022(O&M)
Date of decision : 12.05.2022**

SUNDAR

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: None for the petitioner

Mr. Sidakmeet Singh Sandhu, Asst. AG, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

IOIN-CRWP-2029-2022 in CRWP-2029-2022

The Registry has put up this file as in the order dated 20.04.2022, the name has inadvertently been typed as 'Sunder' instead of 'Sundar'.

File perused.

The mistake being purely typographical in nature, the same is hereby ordered to be corrected and in the order dated 20.04.2022, the name i.e. 'Sunder' be read as 'Sundar'.

Registry is directed to make the necessary correction.

IOIN stands disposed of accordingly.

CRWP-2029-2022

The instant Criminal Writ Petition under Article 226 of the Constitution of India was filed 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 writ petition from the illegal and unlawful custody of respondent Nos.4 and 5 by appointing a Warrant Officer.

On 07.03.2022, the following order was passed:-

“Notice of motion.

On asking of the Court, Mr. Sidakmeet Singh Sandhu, DAG, Punjab accepts notice on behalf of respondent Nos.1 to 3.

The District Magistrate concerned, is directed to determine whether the labourers working at the brick kiln, and are being made to work without any payment or liquidation of wages to them, by the owner. He shall also, in the meantime, if he discovers that co-respondent Nos.4 and 5 are breaching the mandate of any statutory provisions as contained in the Payment of Wages Act, and/or as contained, in any other Labour Welfare Legislation to proceed to draw appropriate valid actions, against all the errant concerned.

Report be submitted on or before the next date of hearing.

List on 21.03.2022.”

Thereafter, the matter came up for hearing on 21.03.2022 and the following order was passed:-

“Vide order dated 07.03.2022 passed by a Coordinate Bench, a report was sought from respondent No. 2-District Magistrate, Ropar.

Today, learned State counsel submits that submits that Mr. Harbans Singh, Tehsildar, Ropar, has personally visited the brick kiln and interacted with all the alleged detenues except the petitioner, who was not there, and all the detenues stated that they have not been illegally confined and are regularly being paid.

Learned State counsel prays for time to comply with the order dated 07.03.2022 and to file the report of the District Magistrate, Ropar.

On his request, adjourned to 20.04.2022.”

A reply dated 20.04.2022 has been submitted by the learned State counsel, as per the reply when the four member team visited the Brick Klin situated at village Magror, they did not find any detainee as mentioned in the writ petition. No illegality or irregularity of any kind was found at the spot by the team. The writ petitioner namely Sunder and Suresh and Vipin mentioned in the writ were not found present at the spot. Sapna, Roop, Pawan, Jai Kumar, Seema, Rakhi mentioned in the writ petition were found present. These persons have made a joint statement at the spot that the appellant-Sundar has left this Brick Klin. It is also stated by them that they were being paid money in lieu of the work being done and that they were living there as per their own wishes.

In this view of the matter, no further orders are required to be passed by this Court.

Disposed of.

(JASJIT SINGH BEDI)
JUDGE

12.05.2022
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No