

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(125)

CRWP-2085-2022

Date of decision: - 08.03.2022

Noor Mohammad

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Subhash Kumar, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present Criminal Writ Petition filed under Article 226 of the Constitution of India is for issuance of a writ in the nature of Habeas Corpus to release the detenues (as mentioned in para 4 of this petition), who are illegally detained by respondent Nos.6 to 8, who are stated to be the brick kiln owners.

It has been averred in the petition that respondent Nos.6 to 8 had contacted the detenues to work in their brick kiln and their wages were also fixed. It is further submitted that respondents No.6 to 8 have not paid the wages to the extent of Rs.70,000/- and they have illegally detained 19 detenues, which have been mentioned in para 4 of the

petition. The petitioner managed to escape from the said Brick Kiln on the pretext of his medical treatment and has thus filed the present petition for the release of detainees. It is further submitted that the said act of respondents No.6 to 8 is in violation of the provisions of the Bonded Labour (Abolition) Act, 1976 (hereinafter to be referred as “the Act of 1976”) and in this regard, the petitioner has given a representation to respondent No.3-District Magistrate, Panchkula. 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 detainees 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 direction to District Magistrate, Panchkula-respondent No.3 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 writ petition.

March 08, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No