

230 IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRWP-2827-2022

Date of Decision: 7<sup>th</sup> September, 2022

Ompal

... Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present : None for the petitioner.

Mr. M.S.Bajwa, DAG, Punjab.

\*\*\*

**AVNEESH JHINGAN , J.(Oral)**

This writ petition in the nature of *Habeas Corpus* is filed seeking direction to official respondents to get the detenues (mentioned in para No. 4 of the petition), released from the illegal detention of respondent No. 4 who is Brick Kiln owner.

As per office report, notice to respondents could not be issued due to want of process fee.

Considering the nature of prayer and to avoid further delay, it would be appropriate to issue directions in view of order passed in LPA No. 32 of 2013, titled as ***Murti Versus The State of Punjab and others***. Operational part of the judgment is reproduced herein below:-

*"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 No. 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."*

Considering the nature of prayer made, this Criminal Writ Petition is disposed of with a direction to District Magistrate, SBS Nagar, Nawashehar to treat this petition as a complaint under the Bonded Labour (Abolition) Act, 1976 and take immediate action in accordance with law, within a period of one week from the date of receipt of a certified copy of this order alongwith a copy of the writ petition.

(AVNEESH JHINGAN)  
JUDGE

7<sup>th</sup> September, 2022  
anuradha

|                           |        |
|---------------------------|--------|
| Whether reasoned/speaking | Yes/No |
| Whether reportable        | Yes/No |