

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

247

CRWP-2826-2022

Date of decision: 19.05.2022

SANTOSH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Y.K. Jamwal, Advocate for
Mr. Aditya Pratap Singh, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed for issuance of a writ in the nature of Habeas Corpus for the release of detenues mentioned in para no.2 of the writ petition.

Pursuant to the order dated 08.04.2022, short reply by way of affidavit of Jagdeep Saigal, Sub Divisional Magistrate, Ludhiana (West) has been filed by learned State counsel in the Court today which is taken on record. The relevant extract of the same is reproduced as under:-

“4. That the statement of Satish Kumar son of Partap Singh, resident of Village Tajpur Sambhalga, Jamadar of the brick kiln was recorded separately He stated that he is working on the brick kiln for the last about 10 years He stated that the laboruers mentioned in the writ with their free will and consent had come to work on Pather site of this brick kiln in September, 2021 and with their free will and consent, they want to go from this

brick kiln. He stated that Jyoti daughter of Davinder aged 22 years, Preeti daughter of Davinder aged 23 years, Kajal daughter of Davinder aged 11 years have already left the Pather site of this brick kiln about one month back and at present they are not present on the brick kiln He stated that the labourers are being provided all the basic necessities of life and their wages at the rate of Rs. 753/- per thousand bricks without the commission of Jamadar from time to time He further stated that these labourers had come on the brick kiln with their own free will and consent. He further stated these labourers had gone from this brick kiln on 1/3/2022 and about 4 days back on 1/4/22 they had come back on the brick kiln.

5. That as per report of Naib Tehsildar, Ludhiana South, all the brick kiln workers on whose behalf the present writ petition has been filed expressed their desire to leave the brick kiln. In view of their desire they along with their family members left the brick kiln on their own and accordingly to their free will.”

It is apparent from a perusal of the report that the alleged detenues are left the brick kiln on their own and according to their own free will and are not in any illegal confinement.

In view of the aforesaid report, no further cause of action survives.

The instant writ petition is having become rendered infructuous.

(VINOD S. BHARDWAJ)
JUDGE

MAY 19, 2022
Vishal sharma

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