

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

271

CRWP-4449-2022

Date of decision: 27.07.2022

BINDER

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

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

Mr. Sumit Gupta, Addl. A.G., Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. Through the instant petition, the petitioner has craved for a writ of habeas corpus being made upon the respondents concerned, for therethrough his family members detailed in paragraph – 2 of the petition, being produced before this court, and for, thereafter(s), rather theirs being ordered to be released from the purported unlawful custody of co-respondents No. 4 and 5.

2. The learned State Counsel has drawn the attention, of this court, to a joint signed statement made by all concerned, during the enquiry proceedings, as, conducted by the Sub-Divisional Level Vigilance Committee, Barara. The above signed statement is carried

in Annexure R-3, as appended to the reply, on affidavit, furnished to this court by co-respondent No. 2. The statement is extracted as under :-

“.. stated that they approached M/s Nitin Bricks (Marka N+B) Sarakpur Road, Barara, District Ambala to work as “Pather” at their own sweet will in the month of December, 2021. We have not received any advance from the brick kiln's owner. The brick kiln's owner has already settled our accounts for the work done by us and now, I, my wife Suman, aged 35 years, my son Chhotu aged 17 years, my daughter namely, Gauri aged 8 years, Ichha aged 6 years and my son Vansh, aged 4 years are going to our native village successfully alongwith our belongings. Neither brick kiln's owner nor any other person at this brick kiln has ever abused or beaten us. Neither brick kiln's owner nor any other person has ever misbehaved with us. The brick kiln's owner has provided us dwelling houses, drinking water, electricity, medical and toilet facilities free of cost. There is no any danger of life to us at this brick kiln. I was working at this brick kiln alongwith my family member at my own sweet will and now due to my domestic problem I do not want to work at this brick kiln and I want to go to my native village. I have not sent any complaint to the o/o Deputy Commissioner, Ambala or Superintendent of Police, Ambala; rather I have directly approached the Hon'ble High Court. After receiving my full and final, I am going to my native village successfully alongwith my family member and belongings.”

3. Its reading discloses, that all the persons enumerated in paragraph-2, of the petition, who averred qua theirs being unlawfully detained at the brick kiln of co-respondents No. 4 and 5, have echoed therein, that they have settled their accounts with co-respondents No. 4 and 5, and, also that they were out of their own will working at the brick kiln of co-respondents No. 4 and 5.

4. Since, at the end of their joint signed statement, they recorded before the Competent Authority, they have also echoed qua theirs proceeding to their native abode alongwith their family members.

5. Therefore, the instant petition for a writ of habeas corpus

being made upon the concerned, for the persons detailed in para-2 to the petition being produced before this court, does not survive, and, is disposed of as having become rendered infructuous.

27.07.2022

kavneet singh

(SURESHWAR THAKUR)
JUDGE

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