

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

141

CRWP-5578-2022

Date of decision: 06.06.2022

Subhash

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Ishita Jain, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for directing the official respondents No.1 to 5 to get the wife, son and daughters of the petitioner released from the custody of respondents No.6 to 9.

Learned counsel for the petitioner *inter alia* contends that the detenues are being compelled to work in the brick kiln of respondent No.6 against their wishes and without any wages being paid to them.

This Court in ***LPA No.32 of 2013*** titled as ***“Murti Vs. The State of Punjab and others”***, has held as under:-

“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 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.”

In view of the above, this Criminal Writ Petition is disposed of with a direction to respondent No.3 i.e. District Magistrate, Kurukshetra to take immediate and appropriate action into the complaint (Annexure P-1) made by the petitioner at the earliest in accordance with law, but not later than one week from the date of receipt of a certified copy of this order along with a copy of the writ petition.

06.06.2022

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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