

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

250

**CRWP-5783-2022
Date of decision: 22.07.2022**

LILLU

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- None for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Section 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus directing the respondents No.1 to 3 to get release the detenues namely Tanu aged about 18 years and Kajal aged about 13 years from the illegal confinement of respondents No.4 to 8 with a further prayer to appoint a Warrant Officer to trace out the aforesaid detenues.

2. A perusal of the order sheets shows that there has no representation on behalf of the petitioner on last 02 dates successively and the position remains same even today. The court is thus proceeded adjudicate upon the petitioner in absence of the counsel for the petitioner.

3. Pursuant to the notice of motion issued on 14.06.2022, a status report by way of affidavit of Ranjit Singh, PPS, Deputy Superintendent of Police, Sub Division Dasuya, District Hoshiarpur was filed. The relevant extract of the said report read thus:-

“2. That it is humbly submitted that FIR No.85, dated 25-05-2022, u/s 363, 366 A IPC, was registered at P.S. Dasuya, District Hoshiarpur against the respondent No.4 and 5 on the statement of petitioner that he does labour work at Brik Kiln of Dheer at Village Gaggh Jallo. He has two sons and five daughters. He along with his family members lives at Brik Kiln of Dheer and other labour worker lives in quarters at Brik Kiln of Dheer. On 21-05-2022 he was asleep. On 22-05-2022 at 06:00 AM his wife Murti got up and saw that his daughter Tanu aged about 19 years and his daughter Kajal aged about 13 years were not on their beds and his wife told him that his both daughter are not on their beds. Then he and his wife along with other family members started searching their daughters but they could not found them. During this period he came to know that his daughters Tanu and Kajal were enticed away by Popin son of Chander R/o Ratheri, District Muzaffarnagar, U.P. and Pinku @ Pancha son of Sham R/o Nawan Gaon, District Muzaffarnagar at present resident of Brick Kiln of Dheer at Village Ghag Jallo, District Hoshiarpur. From the contents of the statement of the petitioner, offence u/s 363, 366-A IPC was made out, accordingly the present FIR was registered against respondent No.4 and 5.

That it is submitted that during the investigation, the investigation officer recorded the statements of the witnesses, prepared site plan of the place of incident and took Aadhaar Card of Tanu daughter of the petitioner. As per Aadhaar Card of Tanu daughter of petitioner she was born on 01-01-2003 and Tanu daughter of petitioner was 19 year old at the time of occurrence of the present FIR. The petitioner did not give any proof of age of his daughter Kajal. However, the petitioner alleged in the present FIR that his daughter Kajal is 13 year old.

4. That it is submitted that during the investigation, the Police of P.S. Dasuya, Distt. Hoshiarpur got issued Ishtihar Shero Goga in respect of Tanu and Kajal daughters of petitioner under PPR 22,799(1) B on 25-05-2022.

5. That it is submitted that the Police of P.S. Dasuya, Hoshiarpur conducted raids upon the houses of respondent No.4 and 5 at Brick Kiln of Dheer situated at Village Ghag Jallo, Distt. Hoshiarpur but the respondent No.4 and 5 have fled their houses fearing their arrest in the present case. The Police of P.S. Dasuya recorded the statements of Sahil Dheer son of Deepak Dheer R/o Ward No.15, Dasuya, owner of Dheer Brick Kiln at Village Ghag Jallo, District Hoshiarpur and Sanjay Sharma son of Late Ram Parkash Sharma R/o Ward No.5 Dheera Mohalla Dasuya, District Hoshiarpur Munshi of Dheer Brick Kiln at Village Ghag Jallo, District Hoshiarpur and they stated that respondent No.4 to 8 and other labourer have left their Brick Kiln after 19-05-2022 after taking their labour wages on 19-05-2022 from them and they do not know their whereabouts. The Police of P.S. Dasuya also recorded statements of Munshi Major Singh of S.K. Brick Kiln at Village Ghogra, Tehsil Dasuya, Distt. Hoshiarpur and Munshi Rajinder Singh, S.K. Brick Kiln at Sonidan, P.S. Dasuya, Distt. Hoshiarpur and they stated that respondent No.4 to 8 never worked at their Brick Kiln.

6. That it is submitted that the SHO, P.S. Dasuya, District Hoshiarpur submitted an application to IGP Zonal, Jalandhar through SSP, Hoshiarpur for obtaining permission for raiding the houses of the respondent No.4 and 5 in U.P. After obtaining permission, the Police of

P.S. Dasuya raided upon the houses of respondent No.4 and 5 with a view to arrest them and to recover daughter of the complainant in U.P. but respondent no. 4 & 5 were not found to be present at their houses.

7. That it is submitted that the Police of P.S. Dasuya, District Hoshiarpur are conducting investigation in the present case and efforts are being made to recover girls and accused persons. After completion of investigation, the final report of the present case will be presented in the court of Ld. Area Magistrate at Dasuya.

4. Today, a report by the Deputy Commissioner, Hoshiarpur has been filed which reads thus:

“2. That pursuant to the above said letter, the Sub Divisional Magistrate, Dasuya asked Tehsildar, Dasuya and Labour Enforcement Officer, Dasuya to submit their report after visiting the brick kiln M/s Dhir Brick Kiln, Village Badla (Ghogra), Tehsil Dasuya, District Hoshiarpur. Accordingly Tehsildar, Dasuya alongwith Labour Enforcement Officer Grade-I, Dasuya visited M/s Dhir Brick Kiln, Village Badla (Ghogra) to verify the facts where Sh. Sanjay Sharma S/o Sh. Ram Parkash Sharma, Ward No. 5, Dasuya, who is working as Manager in the Brick Kiln, met them and got recorded his statement wherein he stated that the workers alongwith their family mentioned in the complaint, were working as labourers in brick kiln and they alongwith their family had left the brick kiln on 19.05.2022 and have gone to their native state. He further clarified that the worker Popin and other companions in the brick kiln mentioned in the complaint had eloped with the girls. None of the worker mentioned in the complaint were present in the brick kiln. He has got no concern with the workers mentioned in the complaint because due to off season all the persons engaged in

manufacturing katcha bricks had returned to their native state. In this respect, joint statement of Lokesh Kumar S/o Puran Singh, Sanjiv Kumar S/o Daulat Ram and Sh. Sangu Ram S/o Teli, residents of Village Naya Gaon, District Muzafarnagar was recorded who in their statement has stated that the complainant alongwith his family had left the brick kiln on 19.05.2022 and had gone to his native state. Alongwith them, Popin and his other companions mentioned in the complaint used to carry the katcha bricks in the brick kiln. Out of whom Popin had eloped with the girls of the complainant and thereafter, his companions also fled away from the brick kiln. No worker, out of them, was present in the brick kiln because they have been working in the brick kiln for the last 7/8 years,

*3. That the Sub Divisional Magistrate, Dasuya, District Hoshiarpur has mentioned in the report that it has revealed that the worker, mentioned in the complaint, was working In the above said brick kiln and he had left the brick kiln alongwith his family members on 19.05.2022, after receiving his remuneration. Enquiry was made regarding the workers from the person mentioned in the complaint and it was revealed that these workers used to carry katcha bricks in the brick kiln, who had eloped from the brick kiln with the girls of the complainant. From this, the Sub Divisional Magistrate, Dasuya has opined that it is a family dispute between the workers and no one has been kept in the establishment (brick kiln) as bonded labour. (Copy of Report of the Sub Divisional Magistrate, Dasuya dated 27.06.2022 is attached as **ANNEXURE R-2**).*

4. Hence as per the report of the Sub Divisional Magistrate, Dasuya no bonded labour was found in the brick kiln M/s Dhir Brick Kiln, Village Badla (Ghogra),

Tehsil Dasuya, District Hoshiarpur. Although it was confirmed that Popin alongwith his companions had eloped alongwith the girls of the complainant on 19.05.2022 from the brick kiln mentioned in the Writ Petition, but they are no longer present in the brick kiln and their present whereabouts are not known and the complainant alongwith his family members had returned to his native state and as such, no further action could be taken.

5. In view of the above, there is nothing to assume that the agencies have not taken appropriate steps in accordance with law. There is no representation on behalf of the petitioner to controvert the said status report filed by the Deputy Commissioner as well as the Investigating Agency.

Dismissed for non-prosecution.

(VINOD S. BHARDWAJ)
JUDGE

JULY 22, 2022

Vishal sharma

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