

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

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**CRWP-5851-2022
Date of decision: 04.07.2022**

YOGESH KUMAR

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present:- None for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G. Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Article 226 of the Constitution of India for the issuance of a Writ in the nature of Habeas Corpus for the release of detainees mentioned in Para No.2 of the writ petition.

The matter had come up for hearing initially on 15.06.2022 when notice of motion was issued and the State of Haryana was directed to file a status report. The matter was adjourned to 22.06.2022. However, on the said adjourned date there was no representation on behalf of the petitioner. The matter was thus adjourned to 04.07.2022.

Today on resumed hearing, a status report by way of affidavit of Himadri Kaushik, IPS, Additional Superintendent of Police, Indri, Karnal has been filed on behalf of respondents No. 1 to 3.

The relevant extract of the said affidavit is reproduced

hereinafter below:

“3. That in response to this the committee so constituted by the respondent No. 2 submitted their report mentioning that the complainant/petitioner has submitted false application against the owner of KLC Company and the matter is found between them of money transaction and the amount has been refunded to the petitioner, no matter of illegal detention against the owner of KLC Company is found and hence the present complaint be filed. The copy of the same is attached as Annexure R-II for the kind perusal of this Hon’ble Court.

4. That as soon as the copy of above petition was received in the premises of the answering respondent, the answering respondent also directed ASI Karambir posted in police station Butana, District Karnal to verify the facts mentioned in the petition which was filed by the petitioner before this Hon’ble Court and in this regard the said ASI also recorded the statement of Yogesh Kumar S/o Mathura Prasad R/o Village Daulatpur, District Kurukshetra on 20.06.2022 in which he has alleged that I am doing the work of labour and I am residing in village Daulatpur with my in-Laws family in Nilokheri. I am doing Bricks work at KLC Company for the last 6 months. My children do not do any labour work on the said Kiln since they are minor. I have received Rs. 1,08,000/- from the said company. He further said alleged that He was not taken prisoner in any way and no one has been beaten up. The copy of the same is attached as Annexure R-III for the kind perusal of this Hon’ble Court. It is further submitted that the statement of Rajrani wife of the present petitioner was also recorded and the copy of the same is attaches as Annexure R-IV for the kind perusal of this Hon’ble Court.

5. That during the course of inquiry the statement of Pulkit Chawla who is son of the owner of the Kiln was recorded on 20.06.2022 in which he has alleged that he

has deployed two Accountants namely Jagannath S/o Ram Juari and Satprakash S/o Mangat Ram and 55-60 persons including women are doing labour work in our Kiln and after 15 days the payment of labour is being made to all the labourer. He also alleged that the present petitioner along with his wife also came on Motorcycle from their village Daulatpur for doing the work of labour and after finishing their work of labour they came back in their village at Daulatpur, they never stay at Kiln. However, the statement of Rajesh Kumar was also recorded and the copy of the same are attached as Annexure R-V and Annexure R-VI for the kind perusal of this Hon'ble Court."

A perusal of the aforesaid Status report shows that it was not a case where any person had been kept under illegal detention and false averments referring to Bonded Labour Systems (Abolition) Act, 1976 had been levelled in the present petition. The status report also shows that statement of the petitioner Yogesh Kumar has also been recorded and has been attached as Annexure R-3. A perusal of the said statement also does not disclose making out of any complaint under the Bonded Labour Systems (Abolition) Act, 1976. Evidently, the present petition has been filed levelling allegations that were known to the petitioner to be false and as a means to bye pass procedure known to law. Such misuse of the process by a litigant deserves to be deprecated. Taking into consideration the circumstances of the petitioner and also noticing the conduct, the present petition is dismissed with a cost of Rs. 2,000/- on the petitioner to be deposited with the "State Legal Service Authority, Karnal".

The recovery of the cost so imposed shall be ensured by

the concerned SHO and the same shall be deposited with the “State Legal Service Authority, Karnal”.

A compliance report in this regard shall be submitted with the Registry of this Court within a period of 02 months from today.

(VINOD S. BHARDWAJ)
JUDGE

JULY 04, 2022
Vishal sharma

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