

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRWP-5932-2022
Date of decision : 07.07.2022

Ravi Kumar

... Petitioner

Versus

The State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: None for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a criminal writ petition under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas-Corpus for release of the detenues mentioned in paragraph 2 of the writ petition.

On 17.06.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“Notice of motion for 22.06.2022.

It is contended by counsel for the petitioner that certain persons alleged to be bonded labour are in unlawful custody of respondents No.4 and 5. Respondent No.2 is therefore, directed to visit the site of operation of respondents No.4 and 5 and release such detenues if they are in illegal detention and submit a report by the date fixed.

(M.S. RAMACHANDRA RAO)
JUDGE

17.06.2022”

Dhuri has filed the status report in the form of his affidavit. The relevant portion of the said affidavit is reproduced hereinbelow:-

“1. That the deponent has constituted a committee comprising of Tehsildar Dhuri, Labour enforcement Officer Malerkotla, Member Assistant Food Supply Officer Dhuri, SHO PS Sadar Dhuri to visit the concerned brick Kiln situated at Village Bamal, on the basis of CRWP No 5932 of 2022.

2. That the aforesaid committee visited the concerned brick kiln on 21.06.2022. The petitioner was not present at the spot. The statement of owner of brick Kiln viz. Munish Kumar Bansal aged about 32 years son of Charan Dass resident of PUNSUP Godown, Ward No 9/103 Street No 5, Bharat Nagar, Dhuri has been recorded, wherein he stated that he is the owner of the brick kiln viz. Shri Balaji, Village Bamal, Marka Malva. He further stated that his father's name is Charan Dass whereas in para No 4 of the petition his father's name is mentioned as Charan Singh. He further stated that he is conducting the business of brick Kiln. The name of the persons mentioned in the writ petition are not present at the brick kiln as well as on the place of manufacturing of Kachha Bricks i.e. Pather. Each and every labourer of Shri Balaji Brick Kiln, Village Bamal accomplished the work of manufacturing of Kachha Pather about 10 days back and they had received their wages from the owner of the brick kiln. He further stated that there is no dispute of wages amongst the owner and the labour regarding their wages. He further stated that he never bounded the labour to get any work done and this allegation against him is totally false one. Labour used to work at brick kiln with their own free will, moreover, the place of work is open one and not surrounded by any boundary walls adjacent to the kachha road and such a open place is accessible to all. The name of the persons

mentioned in the writ petition viz. 1. Rekha, 2 Tanish Kumar, 3. Akriti, 4. Bishu, 5 Mintu were never worked as labourer on the brick Kiln Viz. Shri Balaji Village Bamal and they have no concern with the said brick kiln. He further stated that petitioner has filed the false writ petition. He further stated that Bhagat Ram viz. respondent No 5 is jamabandar of his brick kiln and he left the work place 10 days back after getting his due wages from the owner.

3. That the committee also recorded the statement of the labour viz. Illamdeen son of Jamaldeen of Village Ghanaur Khurd, Karamdeen son of Suleman of Village Ghanaur Khurd, Mohan Lal son of Fazaldeen, Washirdeen son of Sherdeen both residents of Village Bamal, Fikka son of Kumed Khan of village Punnawal, Satinder Kumar son of Hira Lal of West Bengal, Sudam son of Suleman, Shamshad son of Sekh Amir of West Bengal, Inderjit Yadav son of Sibhu Yadav of Bihar, present at the spot. As per their statement they did not know 1. Rekha, 2 Tanish Kumar, 3. Akriti, 4. Bishu, 5 Mintu. They further stated that they have no dispute with the owner of the brick kiln regarding their wages. The work of manufacturing of kachha bricks has already accomplished 10 days back. They further stated that they worked with their own free will at the aforesaid brick kiln without any pressure, force or bondage. They further deposed that at this time work of manufacturing of kachha bricks is not ongoing and as such the complaint seems to be false one.

4. That the committee also visited the place of manufacturing of kachha bricks at village Bamal and Village Hathan. The work of manufacturing of kachan bricks is not ongoing at the spot. Photographs were also captured by the committee.

5. That on the basis of the statement of the owner of the brick kiln,

labour found present at the spot, it is abundantly clear that there is no bonded labour on the concerned brick kiln and the persons mentioned in the writ petition were not found present at the spot. ”

A perusal of the said affidavit would show that it has been specifically stated that the persons mentioned in paragraph 2 of the writ petition have not been found at the brick kiln and even the statement of labourers of brick kiln have been recorded, who had stated that they did not know the said persons. It was also found that there was no bonded labour on the concerned brick kiln and the concerned persons (detenues) were not found at the spot and thus, no action is called for. Nobody has appeared on behalf of the petitioner before this Court.

Keeping in view the above said affidavit filed by the Sub Divisional Magistrate, Dhuri, the present petition is dismissed. Liberty is granted to the petitioner to file a fresh petition in case any cause survives.

(VIKAS BAHL)
JUDGE

July 07, 2022
Davinder Kumar

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