

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

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CRWP-6476-2022

Decided on :06.07.2022

Lalendra Singh

. . . Petitioner

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (Oral)

Prayer in the present Criminal Writ Petition filed under Article 226 of the Constitution of India is for issuance of a writ in the nature of habeas corpus to release the detenues (as mentioned in para No. 2 of this petition) from the illegal, unlawful custody of respondents No. 4 and 5.

Learned counsel for the petitioner has submitted that the petitioner alongwith 31 persons, as have been detailed in para 2 of the petition, were contacted by respondents No. 4 and 5 to work in the brick kiln at the rate of Rs.247/- per thousand kachha bricks. It is further submitted that after the detenues were made to work, arrears to the tune of Rs.5,35,000/- had incurred in their favour but they were not paid and even the petitioner and the other detenues were not permitted to leave the premises and it was with great difficulty, the petitioner was able to escape from the said brick kiln but however, 31 persons as mentioned in

paragraph 2 of the petition, are still being illegally detained by respondents No. 4 and 5. It is argued that the said act of the respondents No. 4 and 5 is in violation of the mandatory provisions of the Bonded Labour (Abolition) Act, 1976 (hereinafter to be referred as “the Act of 1976”) and in the said regard, the petitioner has given a representation dated 01.07.2022 (Annexure P-1).

It has been held by this Court in “**Murti versus The State of Punjab and others**”, **LPA No. 32 of 2013**, 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.”

Accordingly, the present Criminal Writ Petition is disposed of with direction to District Magistrate, Yamuna Nagar-respondent No.2 to treat this petition as a complaint under the Act of 1976 and take immediate action in accordance with law, within a period of one week from the date of receipt of certified copy of this order alongwith copy of the present petition.

(VIKAS BAHL)
JUDGE

July 6th,2022
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No