

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP No. 8359 of 2022.

Date of Decision: 31st August, 2022

Tinku Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Aditya Partap Singh, Advocate for the petitioner.
Mr. Vipin Pal Yadav, Addl. AG, Punjab.

AVNEESH JHINGAN , J.(Oral)

This writ petition in the nature of Habeas Corpus is filed seeking direction to official respondents to get the detenues (mentioned in para No. 2 of the petition), released from the illegal detention of respondents No.4 and 5 who are Brick Kiln owners.

A Division Bench of this Court in LPA No. 32 of 2013, titled as ***Murti Versus 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 No. 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 compliant 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

setaside/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, this Criminal Writ Petition is disposed of with a direction to District Magistrate, Moga to treat this petition as a complaint under the Bonded Labour (Abolition) Act, 1976 and take immediate action in accordance with law, within a period of one week from the date of receipt of a certified copy of this order alongwith a copy of the writ petition.

(AVNEESH JHINGAN)
JUDGE

31st August, 2022.
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Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No