

CRWP-9903-2022

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

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CRWP-9903-2022

Date of Decision: October 17, 2022

SUNNY

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Chander Shekhar Singhal, Advocate
for the petitioner.

AMAN CHAUDHARY, J.(Oral)

The petitioner has filed this petition under Article 226 of the Constitution of India praying for issuance of a writ in the nature of Habeas Corpus with request for appointment of a Warrant Officer to visit the spot and to get the detenues named in para No.4 of the petition released from illegal custody of respondents No. 4 and 5.

Learned counsel has contended that petitioner along with his family members were contacted by respondents No.4 and 5 at their native village to work at a bricklin from 01.10.2022 for Rs.600. It is his further contention that the amount as agreed was paid only for one week and thereafter nothing was paid and the petitioner and family members along with natives of his village who had been engaged by respondent No.4 and 5 at the bricklin were made to work forcibly and were also given beatings mercilessly with the help of their musclemen. He further contends that the petitioner was somehow able to escape from the bricklin on the night of

12.10.2022. He has given the details of 23 detenues including his wife-Versa and daughter aged 2 years in para 4 of this petition. He also submits that not only the family members of the petitioner have been detained but thumb impression have also been taken on blank papers and an amount of Rs.2 lakhs is yet to be paid for the work that had been done by the petitioner as also the detenues. A representation dated 13.10.2022, Annexure P-1 was also submitted to respondent No.2, but no action has been taken till date.

Notice of motion restricted to respondents No.1 to 3 only at this stage.

Pursuant to supply of advance copy of the petition, Mr. Gaurav Bansal, AAG, Haryana has appeared and accepted notice on behalf of respondents No.1 to 3.

I have heard the learned counsel for the petitioner and learned State counsel.

Hon'ble Division Bench of this Court observed in “**Murti versus The State of Punjab and others**”, LPA No. 32 of 2013 decided on 11.01.2013, 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 labourers. 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.”

In view of the above referred judicial precedent, this Criminal Writ Petition is disposed of with a direction to respondent No.2–District Magistrate, Panchkula, Haryana, to treat this petition as a complaint under the Bonded Labour System (Abolition) Act, 1976 and take immediate action in accordance with law within a period of one week from the date of receiving a copy of this order along with a copy of the writ petition.

A copy of this order be supplied to learned State counsel and be also sent to respondent No.2–District Magistrate, Panchkula, Haryana, for ensuring requisite compliance.

October 17, 2022
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(AMAN CHAUDHARY)
JUDGE

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