

CRWP-10188-2022

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

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Date of Decision: October 25, 2022

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...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 to 6.

Learned counsel refers to para 5 of the petition to submit that respondents No.4 to 6 were requested to pay something so that the detenues can buy ration and medicines however, they were given beatings mercilessly with the help of muscleman. Averments made in para No.6 of the petition are that thumb impressions of petitioner were taken on blank stamp papers after given beatings to him and his family members.

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

Pursuant to supply of advance copy of the petition, Ms. Aditi

Girdhar, 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.

It is apposite to refer to a judgment passed by Hon'ble Division Bench of this Court in LPA No. 32 of 2013 “**Murti vs the State of Punjab and others**”, decided on 11.01.2013, wherein it has been held as under:-

“It may be mentioned here that the allegations of the appellant in the writ petition are that the alleged detainees 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

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the date of receiving a certified copy of this order
alongwith a copy of the writ petition.”

In view of the facts and circumstances of this case and
above referred judicial precedent, this Criminal Writ Petition is disposed of
with a direction to respondent No.2–District Magistrate, Jhajjar, 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 receipt of certified copy of this
order along with a copy of this writ petition.

A copy of this order be sent to respondent No.2–District
Magistrate, Jhajjar, Haryana, for ensuring requisite compliance.

October 25, 2022
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(AMAN CHAUDHARY)
JUDGE

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