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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-10230-2022
Date of decision: 26.10.2022

KARN SINGH

...Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. H. S. Batth Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed for issuance of a writ in the nature of habeas corpus for release of detenues as mentioned in para 4 of the petition alleged to be detained illegally by respondent No.4 at his brick kiln namely Brick Kiln Marka Cheema, situated in village Manakpur Sharif, Police Station Block, District SAS Nagar, Mohali.

Learned counsel for the petitioner herein would contend that petitioner and detenues were contracted by respondent No.4 for manufacturing raw bricks at his brick kiln, for which it was agreed that respondent No.4 would pay Rs.750/- per thousand bricks. The petitioner and the detenues have not been paid labour for the last four months and when the labour was demanded, they were beaten mercilessly.

As per the judgment rendered by Division Bench of this High Court in LPA No.32 of 2013 titled as *Murti Vs. State of Punjab and others*

decided on 11.01.2013, the District Magistrate has to conduct enquiry as per Section 12 of the Bonded Labour System (Abolition) Act, 1976 by treating the representation given by the aggrieved persons, as complaint and to get the detenues released forthwith in case they are found to be bonded labour by the Contractor.

Notice of motion to respondent Nos.1 to 3 only.

Mr. Rohit Ahuja, DAG, Punjab accepts notice on behalf of official respondents and submits that the official respondents will look into the matter and will take an appropriate decision. Let sufficient number of copies of the complete paper book be supplied to him during the course of day.

5. In view of the above, the instant petition is disposed of with a direction to respondent No.2 to treat the instant petition as representation/complaint made by the petitioner and conduct an enquiry as per Section 12 of the Bonded Labour System (Abolition) Act, 1976 and in case the detenues are found in illegal detention of respondent No.4, they be released forthwith.

26.10.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No