

128 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRWP-10801-2022(O&M)

Date of Decision: 15th November, 2022

Shaukin Khan

Petitioner

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. C.S. Singhal, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

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. 4 of the petition), released from the illegal detention of respondents No. 4 to 7(respondents No. 4 and 5 owners of Brick Kiln).

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 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, this Criminal Writ Petition is disposed of with a direction to District Magistrate, Jhajjar (respondent No.2) 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**

15th November, 2022

anuradha

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No