

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRWP No. 8 of 2023

Date of decision: 10.01.2023

Attar Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Chander Shekhar Singhal, Advocate
for the petitioner.
Mr. P. K. Jhanda, AAG, Haryana.

SANJAY VASHISTH, J. (ORAL)

Prayer in this petition under Article 226 of the Constitution of India is for issuance of a writ in the nature of Habeas Corpus for the release of the detenues mentioned in Para No. 4 of the petition, who are illegally detained by the respondents No. 4 and 5.

Order dated 02.01.2023 says as under:

“Prayer in this petition under Article 226 of the Constitution is for issuance of a writ in the nature of Habeas Corpus for the release of 6 detenues mentioned in para 4 of the writ petition, being relatives of the petitioner.

It is alleged by the petitioner that the said detenues, 6 in number, including his wife etc. have been illegally detained by respondents 4 and 5 and that no wages are being paid to these persons who are working in their brick kilns. Even a representation dated 29/12/2022 (Annexure P-1) has been made to District Magistrate, Faridabad, however, no action has been taken thereupon.

Notice of motion.

Learned State counsel accepts notice and seeks time to file status report in the matter.

Adjourned to 10.1.2023.”

Status report dated 09.01.2023 filed on behalf of respondents No. 1 to 3 is taken on record.

As per the plea of the petitioner, alleged detenues mentioned in Paragraph No. 4 of the petition are detained by respondents No. 4 and 5 i.e. at the site of Bhatha Marka Gupta-1 village Satai Police Station and Tehsil Ballabhgarh, District Faridabad. Para 5 of the status report explains that no such Bhatta in the name and style of Bhatta Marka Gupta-1 was found. Bhatta Marka Gupta-2 was raided and statements were recorded.

Learned counsel for the petitioner submits that infact after filing of the present petition, petitioner-Attar Singh has been beaten up at the instance of respondents No. 4 and 5 and alleged detenues are set at free.

However, in regard to the alleged detenues mentioned in the petition, Para 6 (V) and 7 of the status report would be relevant which says as under:

“6. That the matter was investigated by the committee and during investigation the above said persons i.e. Gaurav, Vijay Kumar, Hari Shankar and Mohan Shahni as well as other labours who are already working in the Bhatta were asked many question and they have given the following statements:-

(v) The persons in the name of Sh. Attar Singh sons of Braham Singh resident of village Angadpur Barot,

Tehsil and District Bagpat, U.P, Deepak son of Gopal, Ravinder son of Vedpal, Smt Ishwari w/o Vedpal, Rajnish, Rajender Dhaka, Smt. Munesh w/o Attar Singh, have neither come in this Bhatta nor working in this Bhatta.

7. That apart from above, no labour less than 18 years old age is working in their Bhatta. And an attendance register/Register of wages of the persons working in the Bhatta during the period of September 2022 to January 2023, was also produced before the committee. The said attendance register was seen by the committee, but neither the name of petitioner nor the other persons who are named in the writ petition, are mentioned and reflected in the above said attendance register.”

In view of the stand taken by the respondents in their status report, learned counsel for the petitioner seeks withdrawal of the present petition.

Disosed off, being dismissed as withdrawn.

However, petitioner-Attar Singh would be at liberty to avail his appropriate remedy available to him in accordance with law for the grievance, if any.

10.01.2023

Rajeev (rvs)

(SANJAY VASHISTH)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No