

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

CRWP-2376-2023

Date of Decision: 13.03.2023

Mukesh

..... Petitioner

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Chander Shekhar Sehgal, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

This petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for release of the detenues mentioned in para No.4 of the writ petition, who are illegally detained by respondents No.4 to 7 and warrant officer may kindly be appointed to locate the detenues at premises of Bhatta Marka GOYAL, Vijay Kumar Goyal situated at Rara Sahib Road Kulhar, Tehsil Payal, District Ludhiana.

Notice of motion to the official respondents only.

On asking of the Court, Mr. Sandeep Kumar, Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of official respondents.

Learned counsel for the petitioner has restricted his prayer to the extent that the present petition be disposed of with a direction to respondent No. 2 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 stipulated period.

A Division Bench of this Court in LPA No. 32 of 2013, titled

'Murthi 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 1 of 2 working as labourers at the brick kiln of respondent Nos. 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 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 setaside/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, Ludhiana, 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 a certified copy of this order along with a copy of the writ petition.

13.03.2023
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I attest to the accuracy and
integrity of this document

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No

(RAJESH BHARDWAJ)
JUDGE