

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP-3658-2023 (O&M)
Decided on : 24.04.2023

Rahul . . . Petitioner(s)

Versus

State of Haryana and others . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Hardial Singh Batth, Advocate for the petitioners.

Mr. Pawan Kumar Jhanda, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. In the present habeas corpus petition, on 17.04.2023, following order was passed:-

*“Present: Mr. Hardial Singh Batth, Advocate
for the petitioner.*

1. *Prayer in this petition, filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of habeas corpus.*
2. *Learned counsel for the petitioner submits that in the premises of respondent No. 4 i.e. Brick Kiln Marka O & M, situated at Village Dodwa, Police Station Sadar Gohana, District Sonipat, about 18 persons mentioned at paragraph No. 4 of the petition have been illegally detained. Counsel also submits that earlier he had filed one writ petition No. 2968 of 2023 and vide order dated 24.03.2023 same was disposed of by co-ordinate Bench of this Court with further direction to respondent No. 2-District Magistrate, Sonipat to treat the petition (CRWP-2968-2023) as a complaint under Bonded Labour (Abolition) Act, 1976 and then to take immediate action in accordance with law within a period of two weeks from the date of receiving of copy of the order alongwith copy of the writ petition. Said complaint was required to be decided in view of the judgment passed by this Court in case ‘Murti versus The State of Punjab and others’ LPA No. 32 of 2013, decided on 11.01.2023.*
3. *Counsel further submits that despite of said specific directions, no steps have been taken.*
4. *Notice of motion.*
5. *On asking of the Court, Mr. Pawan Kumar Jhanda, AAG, Haryana, accepts notice on behalf of respondents-*

State. He seeks time to get necessary instructions regarding the finding out the reasons, as to for what reason District Magistrate, Sonipat has not complied with the earlier directions passed by this Court CRWP No. 2968-2023.

6. *Adjourned to 20.04.2023.”*

2. Today, Mr. Pawan Kumar Jhanda, AAG, Haryana, has placed on record copy of memo No. 3428/ MB dated 19.04.2023 alongwith Joint enquiry report and statements of Rohit Malik and some other persons recoded in Hindi vernacular, which has been forwarded by the office of District Magistrate, Sonapat to the office of learned Advocate General, Haryana. Copy of the memo No. 3428/ MB dated 19.04.2023, joint enquiry report and statements are taken on record. Registry is directed to tag the same at appropriate place.

3. Copy thereof has also been handed over to the counsel for the petitioner in the Court today itself.

4. Memo No. 3428/MB dated 19.04.2023 is reproduced here below:-

*“From
District Magistrate, Sonapat*

*To
The Advocate General, Haryana
Chandigarh*

Memo No.3428/ MB

Dated 19-04-2023

Subject:-CRWP No. 3658 of 2023 Rahul v/s State of Haryana & ors.

In this regard, it is intimated that the above cited case is pending before the Hon'ble High court for adjudication and fixed for hearing on 20.04.2023. However, a case bearing CRWP No. 2968 of 2023 had also filed by the same petitioner & the same was disposed of by the Hon'ble court vide order dated 24.03.2023 and issued directions to the undersigned to treat the petition as a complaint under the Bonded Labour System (Abolition) Act 1976 and take immediate action in accordance with law within a period of two weeks from the date of receiving copy of this order.

The Sub Divisional Officer (C), Sonipat was deputed as Executive Magistrate and directed to inspect the site and do the needful. The Sub Divisional Officer (C), Sonipat constituted the committee comprising the Tehsildar, Sonipat, the Labour Inspector, Sonipat, the Inspector Food & Supply Department, Sonipat and the SHO, Police Station Sadar Gohana. The above said committee members visited the site of the Brick kiln M/s Marka O & M, Situated at village Dodwa P.S. Sadar Gohana District Sonapat on 18.04.2023 and submitted their report (copy attached) that neither the complainant/petitioner nor persons mentioned in the petition nor any evidence of illegal detention/bonded labour was found on the spot. Further, during the inspection of the site, Joint statement of workers found present on the spot namely Sh. Kapil S/o Sh. Rajpal, Sh. Raju S/o Sh. Nanwa, Sh. Aakash S/o Sh. Raju were also recorded and as per their statement they are all working at the Kiln M/s Marka O & M Village Dodwa Tehsil & District Sonipat and the persons mentioned in the Complaint/Present writ petition never came for doing work at the kiln. No worker has been taken hostage at this Kiln.

Thus, as the petitioner/complainant and members mentioned in the present petition were not found present at the spot/site and the case of the bonded labour was also not detected during the thorough inspection conducted by the Committee members. So, no question of any interim relief arose.

In view of the submissions made above, it is humbly prayed that the present Criminal Writ Petition may kindly be dismissed with costs in the interest of justice.

Submitted for your kind information please.

DA/as above District Magistrate, Sonapat”

5. In view of the said letter issued by the office of District Magistrate, Sonapat, learned counsel for the petitioner seeks withdrawal of the present petition with liberty to seek an appropriate remedy as available to him, under the provisions of law.
6. In view of the above, present petition stands disposed of with the liberty aforementioned.

(SANJAY VASHISTH)

JUDGE

24.04.2023

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