

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP NO. 6197 of 2023

Date of Decision:20.06.2023.

Sunny Mohammad**.....Petitioner****Versus****State of Punjab and others****..... Respondent*****CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL***

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

Mr. I.P.S. Sabharwal, DAG, Punjab.

VIKRAM AGGARWAL, J. (ORAL)

1. This petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus to search for the detenues mentioned in para No.4 of the writ petition at the premises of the Brick Kiln of respondents No.4 and 5 or at any other place to be pointed out by the petitioner at the spot and get the detenues released with their belongings from the illegal custody of respondents No.4 and 5 forthwith.

2. Notice of motion to the official respondents only.

3. On the asking of the Court, Mr. I.P.S. Sabharwal, DAG, Punjab, accepts notice on behalf of official respondents.

4. 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- 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 stipulated period.

5. A Division Bench of this Court in **LPA No.32 of 2013**, titled '**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 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 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 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, Hisar, 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 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 alongwith a copy of the writ petition.

June 20th, 2023
Rekha

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned : *Yes/No.*
Whether reportable : *Yes/No.*