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

**CRWP NO. 9471 OF 2023 (O&M)
DATE OF DECISION : 21p/.09.2023**

Nishan Singh**...Petitioner****Versus****The State of Punjab and others****...Respondents****CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. Joginder Sharma, Advocate for
Mr. Surinder Gandhi, Advocate,
For the petitioner.

Mr. Dhruv Dayal, Addl. AG, Punjab.

ARUN MONGA, J. (ORAL)

The instant petition has been preferred under Article 226 of Constitution of India for issuance of a writ in the nature of Habeas Corpus to release detenues mentioned in para No.3 of the writ petition who have been illegally detained by respondents No.4 and 5 at brick kiln Marka MBF Bhikhiwind Road village Sandra, Police Station Bhikhiwind near Tarcoal Plant, District Tarn Taran.

2. Notice of motion to official respondents only.
3. On the asking of Court, learned State counsel appears and accepts notice on behalf of respondent-State of Punjab.
4. Learned counsel for the petitioner, at the very outset submits that he does not press the prayer for appointment of Warrant Officer in this case and restricts his prayer only to the extent that present petition may 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.

5. In support of his contentions, learned counsel for the petitioner has referred to decision of a Division Bench of this Court in “*Murti versus The State of Punjab and others*”¹.

6. I have heard learned counsels for the parties.

7. In *Murti's case (supra)*, it has been 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 along with a copy of the writ petition".

8. Thus, keeping in view the respective submissions read with the decision of Division Bench in *Murti's case (supra)*, instant Criminal Writ Petition is disposed of with a direction to learned District Magistrate, Patiala, Punjab 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 certified copy of this order
alongwith a copy of the writ petition.

9. Pending applications, if any, shall also stand disposed of
accordingly.

SEPTEMBER 21, 2023
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No