

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

131

CRWP No. 9474 of 2023
Date of Decision: 21.09.2023

Sanjay

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Aditya Partap Singh, Advocate
for the petitioner.

VIKAS SURI, J. (Oral)

[1] The instant petition has been preferred under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus to locate the detenues mentioned in para No.2 of the writ petition at the premises of the Brick Kiln of respondent No.4 or at any other place to be pointed out by the petitioner and get the detenues released forthwith from illegal detention by respondent Nos.4 and 5.

[2] Learned counsel for the petitioner at the very outset submits that he does not press for the prayer for appointment of Warrant Officer in this case and restricts his prayer only 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.

[3] In support of his submissions, learned counsel for the petitioner has referred to a Division Bench decision of this Court in ***Murti vs. The State of Punjab and others***, Law Finder Doc Id #2066834 that has been followed in CRWP-6261-2022 titled ***Aroon Kumar vs. The State of Punjab and others***, decided on 28.06.2022 and by a coordinate Bench of this Court in CRWP-8785-2023 titled ***Jitendra Nitala vs. State of Punjab and others***, decided on 04.09.2023.

[4] Notice of motion to respondent Nos. 1 to 3 only at this stage.

[5] Mr. Subhash Godara, Addl. A.G., Punjab, accepts notice on behalf of official respondents-State and waives service.

[6] I have heard the learned counsel for the petitioner and learned State counsel.

[7] A perusal of the decision of a Division Bench judgment of this Court in ***Murti's case*** (supra), would show that it 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 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 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.”

[8] Thus, keeping in view the respective submissions and decision of Division Bench of this Court in *Murti's case* (supra), the present Criminal Writ Petition is disposed of with a direction to respondent No.2–District Magistrate, Ropar, 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 a copy of this order along with a copy of the writ petition.

[9] A copy of this order be supplied to the learned State counsel, to be sent to District Magistrate, Ropar, for ensuring requisite compliance.

September 21, 2023
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(VIKAS SURI)
JUDGE

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No