

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

CRWP No.10866 of 2023

Date of Decision:06.11.2023

Imran

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ravi Dangi, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present 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 detenues as mentioned in para 4 of the petition alleged to be detained illegally by respondents No.6 to 8.

2. Learned counsel for the petitioner herein would contend that respondents No.6 to 8 had contacted detenues for making bricks at Brick Kiln Mark Pawan situated at Village Pai Kadoli, Tehsil Kharkhoda, District Sonipat in the month of October, 2023. The detenues started their work in the third week of October, 2023 and till date, they have an outstanding amount of Rs.70,000/- towards respondents No.6 to 8. It is further contended that respondents No.6 to 8 have forcefully detained the detenues in their brick kiln and are being forced to work without payment of wages. The petitioner herein escaped from illegal detention of respondents No.6 to 8 on 06.11.2023 on the pretext of medical treatment and made a complaint to respondent No.2-Deputy Commissioner, Sonipat and respondent No.3-District Magistrate, Sonipat (Annexure P-1) via post to get released the detenues from illegal detention of respondents No.6 to 8.

3. Learned counsel for the petitioner relies upon the judgment rendered by a Division Bench of this Court in LPA No.32 of 2013 titled as *Murti Vs. State of Punjab and others* decided on 11.01.2013 to contend that as per the *ratio decidendi* culled out in the said judgment, respondent No.3-District Magistrate has to conduct an enquiry as per Section 12 of the Bonded Labour System (Abolition) Act, 1976 by treating the representation submitted by the petitioner as a complaint and to get the detenues released forthwith in case they are found to be bonded labour by private respondents but till date, no action has been taken by respondent No.3 on the representation of the petitioner herein.

4. Notice of motion.

5. Mr. Gurmeet Singh, AAG, Haryana, who is present in Court, accepts notice on behalf of official respondents and submits that the official respondents will look into the matter and will take a decision on the representation of the petitioner. Let sufficient number of copies of the complete paper book be supplied to him during the course of day.

6. In view of the above, the instant petition is disposed of with a direction to respondent No.3 to treat the representation (Annexure P-1) made by the petitioner as a complaint and conduct an enquiry as per Section 12 of the Bonded Labour System (Abolition) Act, 1976 and in case the detenues are found in illegal detention of private respondents No.6 to 8, they be released forthwith.

(HARPREET SINGH BRAR)
JUDGE

November 06, 2023
Yogesh/Pankaj*

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