

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

122

CRWP-11212-2023

Date of Decision : November 20, 2023

SANNI

-Petitioner

V/S

STATE OF HARYANA AND OTHERS

-Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ramandeep Singh, Advocate
for the petitioner.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ of habeas corpus, as instituted under Article 226 of the Constitution of India, the petitioner seeks appointment of a Warrant Officer to visit the spot and to ensure release of detenus, as enumerated in paragraph No.5 of the writ petition, who have been allegedly illegally detained and forced to work as bonded labour by the private respondents No.5 and 6.

2. This Court has perused the case file.

3. At this stage, notice of motion to the respondents No.1 to 4 only.

4. Mr. Bhupender Singh, D.A.G., Haryana, waives service of notice on behalf of the respondents No.1 to 4.

5. Hon'ble Division Bench of this Court in ***“Murti versus The State of Punjab and others”***, LPA No.32 of 2013, Decided on: 11.01.2013, has made the hereinafter extracted observations:-

“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 labourers. 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."

6. In view of the above referred judicial precedent, this Criminal Writ Petition is disposed of with a direction to respondent No.2–District Magistrate, Kaithal, to treat this petition as a complaint under the Bonded Labour System (Abolition) Act, 1976 and to take immediate action in accordance with law, within a period of one week from the date of receiving a copy of this order, along with a copy of the writ petition.

7. A copy of this order be supplied to learned State counsel and be also sent to respondent No.2–District Magistrate, Kaithal, for ensuring requisite compliance.

November 20, 2023
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No