

MUSARIF

Versus

STATE OF HARYANA AND OTHERS

.....Petitioner

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sarvesh Kumar Gupta, Advocate for the petitioner.
Mr. Chetan Sharma, DAG, Haryana.

HARKESH MANUJA, J. (ORAL)

[1]. By way of present petition filed under Article 226 of the Constitution of India, petitioner seeks issuance of a direction in the nature of habeas corpus for the release of detenues as mentioned in Para No.3 of the present petition.

[2]. Petitioner has also shown his relationship with that of detenues. It is a case of the petitioner that the detenues as shown in para no.3 of the present petition have been illegally detained by respondents No.4 to 7 and are still in illegal detention of the aforesaid respondents.

[3]. In LPA No.32 of 2013 titled “Murti vs The State of Punjab and others” following order was passed by the Division Bench of this Court:-

“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

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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 Bounded 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.”

[4]. In view of aforesaid, this petition is disposed of with a direction to the Deputy Commissioner, Jind-respondent No.2 to treat the present petition as a complaint under the Bonded Labour (Abolition) Act, 1976 and to take immediate action in accordance with law within a period of one week from the date of receipt of certified copy of this order. Copy of the Criminal Writ Petition be also attached along with the order.

30.01.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

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