

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Criminal Writ Petition No. 1324 of 2024 (O&M)
Date of Decision: 09.02.2024

Sarvesh Kumar

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Chandra Shekhar Singh, Advocate
for the petitioner.

Mr. Shubham Kaushik, Assistant Advocate General, Punjab.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition under Article 226 of the Constitution of India, seeks issuance of a direction qua respondent Nos. 1 to 3 in the nature of *habeas corpus* for the release of detenues as mentioned in para-4 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-4 of the present petition have been illegally detained by respondent Nos. 4 to 6 and are still in illegal detention of the aforesaid respondents.

[3] In *LPA No.32 of 2013* titled “*Murti Versus 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 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 off** with a direction to respondent No. 2 (Deputy Commissioner-cum-District Magistrate, SAS Nagar, Mohali) 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 present petition be also attached alongwith the order.

February 09, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No