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

CRWP-1417-2024

Date of decision: 14.02.2024

Shekhar Kumar

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

Mr. Subhash Godara, Addl.A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *habeas corpus* for release of detainees as mentioned in para 2 of the petition alleged to be detained illegally by respondents No.3 to 5.

2. Learned counsel for the petitioner contends that the petitioner and his relatives are labourers and were working at Brick Klin in village Neelowal Sunam Sangrur for the last six months. The respondent No.5 approached the petitioner in Neelowal and has given the reference of brother-in-law of the petitioner for the purpose of offering work for making bricks at the brick kiln of respondent No.3 with the proposal to provide basic amenities for working at the Brick Kiln at Village Rupalo Ludhiana. Petitioner along with his relatives reached at K.R. Brick Kiln Focal Point, Village Rupalo Doaraha, Ludhiana and were asked to stay there as the order for making bricks was under discussion but no work was assigned to them by respondent No.3 and due to lack of

grocery, petitioner asked respondents No.4 & 5 to provide grocery which was denied on the pretext that the work is yet to be started. He further submits that respondents No.4 & 5 exchanged hot words with the petitioner and when petitioner asked them that they all want to visit their village in Uttar Pradesh, they were not permitted to leave the place. On raising objections, respondents No.4 & 5 assaulted the petitioner and detained him in village Rupalo at Kacha house in an isolated room for three days. On the intervening night of 10.02.2024-11.02.2024, he managed to flee and contacted his brother-in-law. The petitioner herein escaped from illegal detention of respondents No.4 & 5 without any physical harm.

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, concerned District Magistrate has to conduct an enquiry as per Section 12 of the Bonded Labour System (Abolition) Act, 1976 by treating the present petition as a complaint and to get the detenues released forthwith in case they are found to be bonded labour by private respondents.

4. Notice of motion.

5. Mr. Subhash Godara, Addl.A.G., Punjab, 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 present petition by treating it as a complaint. 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 District Magistrate, Ludhiana to treat the present petition as 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.3 to 5, they be released forthwith.

(HARPREET SINGH BRAR)
JUDGE

14.02.2024
Neha

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