

135 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRWP-2443-2024 (O&M)
Date of Decision: 14.03.2024

JOGENDRA

...Petitioner

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kapil Khanna, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

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 search of detenues as mentioned in para 3 of the petition alleged to be detained illegally by respondents No. 5 and 6.

2. Learned counsel for the petitioner contends that private respondents had contacted detenues for working at his Brick Kiln for moulding Kacha Bricks. The detenues started their work and till date, they have an outstanding amount towards respondents No. 5 and 6. It is further contended that respondents No. 5 and 6 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. 5 and 6 on 13.03.2024.

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.2-District Magistrate, Sonapat 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. 2 on the representation of the petitioner herein.

4. Notice of motion.
5. Mr. Rishabh Singla, AAG 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 representation, if any, filed by 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. 2 to treat the present writ petition as representation of 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. 5 and 6, they be released forthwith.

14.03.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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