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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-2662-2024 (O&M)
Date of decision: 20.03.2024

Bholi Kaur

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vipin Kumar, Advocate for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of habeas corpus for search of detenues as mentioned in para No.4 of the petition, alleged to be detained illegally by respondent No.5.
2. Learned counsel for the petitioner contends that private respondent 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 respondent No.5. It is further contended that respondent No.5 has forcefully detained the detenues in the brick kiln and are being forced to work without payment of wages. Three of the workers namely Banti, Bansa and Inderjeet escaped from illegal detention of respondent No.5 on 11/14.03.2024 and they informed about the incident to the petitioner.

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, Jhajjar 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 respondent.

4. Notice of motion.

5. Mr. Vikas Bhardwaj, AAG, Haryana, 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. 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, instant petition is disposed of with a direction to respondent No.2 to treat the present writ petition 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 respondent No.5, they be released forthwith.

[HARPREET SINGH BRAR]
JUDGE

20.03.2024
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No