

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(122)

CRWP-2966-2024
Date of Decision:-02.04.2024

Hem Singh
.....Petitioner

Versus

The State of Haryana and Ors.
.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Aditya Partap Singh, Advocate for the petitioner.

ALOK JAIN, J. (Oral)

1. The instant petition has been preferred under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for seeking appointment of Warrant Officer and to release the detenues mentioned in Para No.2 of the writ petition, who have been alleged to be in the illegal custody of respondents No. 4 & 5.
2. Notice of motion to the official respondents only.
3. Mr. Mr. Anmol Malik, DAG, Haryana, accepts notice on behalf of official respondents.
4. Learned counsel for the petitioner submits that the detenues are his son, daughter and other are his immediate close relatives and he does not press for the prayer for appointment of Warrant Officer in this case and restricts his prayer only to the extent that the present petition be disposed of with a direction to respondent No.2 to treat this petition as a

complaint under the Bonded Labour System (Abolition) Act, 1976 and take immediate action in accordance with law within a stipulated period.

5. In support of his submissions, the learned counsel for the petitioner has referred to the decision of Division Bench of this Court in *LPA No.32 of 2013, titled 'Murti versus The State of Punjab and others',*.

6. I have heard the learned counsel for the petitioner and learned State counsel.

7. Division Bench of this Court in *Murti's case (supra)*, held the relevant part is reproduced as under:-

"It may be mentioned here that the allegations of the appellant in the writ petition are that the alleged detainees mentioned in para No.3 of the writ petition who are 1 of 2 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 Bonded 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 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. Accordingly, this Criminal Writ Petition is disposed of with a direction to District Magistrate, Hisar, to treat this petition as a complaint under the Bonded Labour System (Abolition) Act, 1976 and take immediate action in accordance with law, within a period of one week from the date of receipt of a certified copy of this order alongwith a copy of the writ petition.”

8. Thus, keeping in view the respective submissions and the decision of Hon’ble Division Bench of this in *Murti’s case (supra)*, the present Criminal Writ Petition is hereby disposed of with a direction to respondent No.2-District Magistrate, District Amabala, Haryana to treat this petition as a complaint under the Bonded Labour System (Abolition) Act, 1976 and take immediate action in accordance with law, within a period of one week from the date of receipt of a certified copy of this order along with a copy of the writ petition.

9. However, the above said order and any action taken by the authorities shall be subject to cogent proof by the petitioner with regard to the relationship and in case, it is found that the averments made in the present writ petition were false, appropriate action shall be taken against the petitioner.

(ALOK JAIN)
JUDGE

April 02, 2024.

manju

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No