



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

128

CRWP-7457-2024

Date of Decision: 02.08.2024

Dharminder Singh

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

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

\*\*\*\*

KIRTI SINGH, J. (ORAL)

1. This petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus directing the official respondents to get the dentenues, mentioned in para No. 2 of the petition, released from the illegal detention of respondent Nos. 4 & 5.

2. At the very outset, learned counsel for the petitioner has submitted that the petitioner has filed a representation dated 29.07.2024 before the Deputy Commissioner, Panchkula (Annexure P-1) raising his grievances as mentioned in the present petition but the same has not yet been considered and no action has been taken therein. He has further submitted that at this stage, the petitioner would be satisfied if appropriate directions are issued to respondent No.-2-District Magistrate, to decide the aforementioned representation filed by the petitioner and take necessary action therein.

3. Notice of motion.

4. At the asking of the Court, Mr. Gaurav Bansal, AAG, Haryana

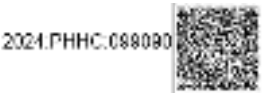


be done in due course. Let a complete set of the paperbook be supplied to him during the course of the day.

5. A Division Bench of this Court in *LPA No. 32 of 2013*, titled '**Murti versus The State of Punjab and others**', has held as under:

*“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.”*

6. Accordingly, this Criminal Writ Petition is disposed of with a direction to District Magistrate, Panchkula-respondent No.2 to treat representation dated 29.07.2024 (Annexure P-1) as a complaint under the



accordance with law, within a period of one week from the date of receipt of a certified copy of this order.

(KIRTI SINIGH)  
JUDGE

02.08.2024  
Satyawar

|                            |          |
|----------------------------|----------|
| Whether speaking/reasoned: | Speaking |
| Whether reportable:        | Yes / No |