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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-9883-2024 (O&M)
Date of decision: 10.10.2024

Pradeep Kumar

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Chander Shekhar Singhal, Advocate for the petitioner.

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 release of the detenues as mentioned in para No.4 of the petition, alleged to be detained illegally by respondents No.4 to 10.
2. Learned counsel for the petitioner contends that private respondent No.4 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 the private respondents. It is further contended that the private respondents have forcefully detained the detenues in the brick kiln and are being forced to work without payment of wages. The petitioner escaped from illegal detention of respondents No.4 to 10 on 08.10.2024 and he has approached this Court by filing the present petition.
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, Jalandhar has to conduct an enquiry as per Section 12 of the Bonded Labour System (Abolition) Act, 1976 (for short 'Act of 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 the private respondents.

4. Notice of motion.

5. Dr. Dharminder Singh Lamba, DAG, Punjab, who is present in Court, accepts notice on behalf of the 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 course of the 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 Act of 1976 and in case the detenues are found in illegal detention of private respondents No.4 to 10, they be released forthwith.

[HARPREET SINGH BRAR]
JUDGE

10.10.2024
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No