

2024.PHHC.133172



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CRWP-9912-2024
Date of Decision: 11.10.2024

ASALAM

... Petitioners

VERSUS

THE STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. C.S. Singhal, Advocate
for the petitioner, (*through video conferencing*).

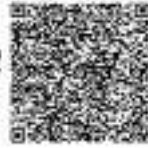
VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for issuance of a writ in the nature of Habeas Corpus for the release of the detenues mentioned in paragraph No.4 of the petition, who are illegally detained by respondent No.4 and 5.

Notice of motion restricted to respondents No.1 to 3 only at this stage.

Mr. Ajaib Singh, Addl. A.G., Punjab, who is present in Court, accepts notice on behalf of respondents No.1 to 3.

I have heard learned counsel for the petitioner and have also perused the record.

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Hon'ble Division Bench of this Court in **LPA No.32 of 2013** titled as '**Maruti Versus The State of Punjab and other**', decided on 11.01.2013, observed 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 Bonded Labour (Abolition) Act, 1976. We, however, clarify that the aforesaid observation does not mean that the allegations leveled 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 inquiry as and when a complaint alleging violation of the provisions of the 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 along with a copy of the writ petition."

In view of the above noticed judicial precedent this Criminal Writ Petition is disposed of with a direction to respondent No.2-District Magistrate



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Moga, Punjab 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 certified copy of this order alongwith copy of the writ petition.

A copy of this order be supplied to learned State Counsel and be also sent to respondent No.2-District Magistrate, Moga, Punjab for ensuring requisite compliance.

Petition stands disposed of accordingly.

OCTOBER 11, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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