2024:PHHC:141996

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

134 **CRWP-10543-2024**
Date of decision: 29.10.2024

SANJAY **.... PETITIONER(S)**

VERSUS

STATE OF HARYANA AND ORS **...RESPONDENT(S)**

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Chandra Shekhar Singh, Advocate
for the petitioner(s).

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JASJIT SINGH BEDI, J. (Oral)

1. Instant criminal writ petition under Article 226 of the Constitution of India has been preferred for issuance of a writ in the nature Habeas Corpus to release the detenues (as mentioned in para No.4 of the present petition), who are stated to be illegally detained by respondents No.4 to 7 in the brick kiln owned by respondent No.4.

2. A Division Bench of this Court in LPA No. 32 of 2013, titled as ***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 No. 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*

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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 compliant 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."

3. Accordingly, this Criminal Writ Petition is disposed of with a direction to District Magistrate, Sonipat, Haryana to treat this petition as a complaint under the Bonded Labour (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.

(JASJIT SINGH BEDI)
JUDGE

29.10.2024
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Whether speaking/reasoned	*Yes/No*
Whether Reportable	*Yes/No*

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