2024:PHHC:143790

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**Sr. No. 129** **CRWP-10699-2024 (O&M)**
**Decided on : 05.11.2024**

**Vishal**

. . . Petitioner(s)

Versus

**State of Haryana and others**

. . . Respondent(s)

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

PRESENT: Mr. D.C. Dhaula, Advocate
for the petitioner(s).

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**KIRTI SINGH, J. (Oral)**

The present writ petition has been filed under Article 226/227 of the Constitution of India praying for issuance of writ in the nature of Habeas Corpus directing the official respondents to get detenues mentioned in paragraph No.4 of the petition, released from the illegal custody of respondents No. 4 to 6.

2. Learned counsel for the petitioner contends that the petitioner along with detenues were contacted by respondents no. 4 to 6 at their village and offered work at the respondent's brick kiln for taking out the pucca bricks to the site of the brick klin at the agreed rate of Rs.210 per thousand bricks. While the respondents initially paid for one week, later they stopped making payments and began forcing the petitioner and the detenues to work without payment. Learned counsel further submits that when the petitioner and detenues protested, respondents no. 4 to 6, with the help of hired men, harassed and humiliated them. They illegally detained the detenues, forcing them to work without pay and not allowing them to return to their village.

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3. Learned counsel appearing on behalf of the petitioner submits that he will be satisfied in case respondent No.2, who is the competent authority in terms of Sections 16 & 17 of the Bonded Labour System (Abolition) Act, 1976 (hereinafter to be referred as 'the Act of 1976') is directed to take decision in terms of the judgment rendered by this Court in the case of **Murti Vs. State of Punjab and others (LPA No. 32 of 2013, decided on 11.01.2013)**. The relevant extract of the said judgment reads 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."*

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4. A further reference is also made to the order passed in the case of **Gurnam Singh Vs. State of Punjab and others (CRWP No. 4666 of 2020, decided on 08.07.2020)**, which reads as under:-

> *"Accordingly, this Criminal Writ Petition is disposed of with a direction to District Magistrate, Fazilka 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 receiving a certified copy of this order along with a copy of the writ petition."*

5. In view of the above, the instant petition is disposed of with a direction to the District Magistrate, Sonepat, to look into the grievance of the petitioner as raised in the instant petition and in case any substance in the allegations is found true then to take appropriate action under the Act of 1976, in accordance with law, within a period of one week from the date of receipt of a certified copy of this order along with copy of the criminal writ petition.

6. Criminal Writ Petition is disposed of in terms as aforesaid.

**(KIRTI SINGH)**
**JUDGE**

**05.11.2024**
*Ramandeep Singh*

*Whether speaking/reasoned:* *Yes/No*

*Whether Reportable:* *Yes/No*

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