



128

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-10709-2024

Date of Decision: 06.11.2024

SONY

.... Petitioner

Versus

STATE OF HARYANA AND ORS

..... Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

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

Mr. Rupinder Singh Jhand, Addl. A.G., Haryana.

AMARJOT BHATTI, J.(oral)

1. Petitioner- Sony has filed criminal writ petition under Article 226 of the Constitution of India for issuance of writ in the nature of Habeas Corpus for the release of detenues mentioned in para No.4 of writ petition alleging that they are in illegal and unlawful custody of respondents No.4 and 5.

2. In the petition, there are allegations against respondent No. 4 and 5 for not giving them their wages and approximately Rs.1.50 lakhs are due against them. Respondent Nos.4 and 5 have obtained thumb marks of petitioner as well as detenues on blank papers. It is further alleged that they are illegally and forcibly kept in the premises for doing the labour work.

3. The aforesaid allegations mentioned in the petition falls under the provisions of The Bonded Labour System (Abolition) Act, 1976 and as per Section 10 of the aforesaid Act, the State Government confers powers and imposes duty on a District Magistrate to ensure proper implementation of the aforesaid Act. Section 12 of the aforesaid Act cast a duty on every

District Magistrate and every officer specified by him under Section 10 to



inquire whether after the commencement of this Act any bonded labour system or any other form of forced labour is being enforced by or on behalf of any person resident within the local limits of his jurisdiction.

4 Considering the aforesaid provisions, it is the duty of District Magistrate, Kaithal, Haryana to look into the facts and allegations levelled by petitioner. Gainful reference can be made to the judgment of the Division Bench of this Court in LPA No. 32 of 2013 titled “*Murti versus The State of Punjab and others*”.

5. In view of these facts and circumstances, present criminal writ petition is disposed of with the direction to District Magistrate, Kaithal, Haryana to treat this petition as complaint and to take immediate action in accordance with law within a period of three week from the date of receipt of certified copy of this order along with copy of writ petition.

(AMARJOT BHATTI)
JUDGE

06.11.2024
snd

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