

2024-PHHC-149983



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

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**CRWP-11160-2024 (O&M)
Date of decision: 18.11.2024**

Geeta **...Petitioner**

Versus

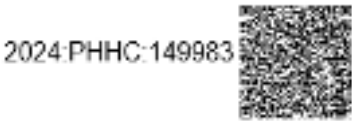
State of Punjab and others **...Respondents**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sham Lal Saha, Advocate
for the petitioner.

MANISHA BATRA, J. (Oral)

1. This petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of Habeas Corpus directing official respondents to get the detenues, mentioned in para No. 4 of the petition, released from the illegal detention of respondents No. 4 to 7, who are brick kiln owner and his employees, respectively.
2. Learned counsel for the petitioner submits that the detenues have been working at the brick kiln of respondent No. 4 since October, 2024 without any wages and have been illegally detained by him and are not allowed to leave the same. It is further submitted that detainee No. 1 Nitu, who is husband of the petitioner, is a handicapped and suffering from disease of colostomy.
3. Notice of motion.
4. Ms. Ramta Chowdhary, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State. Let a complete set of the paperbook be supplied to her during the course of the day.



5. I have heard learned counsel for the parties and have also gone through the material placed on record.

6. A Division Bench of this Court, while dealing with a similar case in *LPA No. 32 of 2013*, decided on 11.01.2013, titled as *Murti versus The State of Punjab and others*, has observed that 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. It was further observed that the District Magistrate concerned is under statutory obligation to hold a fact finding enquiry as and when a complaint alleging violation of the provisions of the aforesaid Act is received. Accordingly, this Criminal Writ Petition is disposed of with a direction to respondent No. 1- District Magistrate, Sangrur to treat this petition as a complaint under the Bonded Labour System (Abolition) Act, 1976 and take immediate action in accordance with law for the release of the alleged detenues, 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.

18.11.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No