



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

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**CRWP No.12142 of 2024
Date of decision: 16.12.2024**

VAJID

.... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

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 respondent No. 4 to 6, who are the owner, Munshi and Zamadar, respectively of Brick Klin Randhawa Bricks, Marks T*S situated at Tehsil Payal Rampur near Doraha, District Ludhiana.

2. Learned counsel for the petitioner submits that the detenues have been working at the brick kiln of respondent No. 4 since 13.09.2024 but for the last about 35 days, they have been illegally detained by aforesaid respondents No.4 to 6 without any wages and are not allowed to leave the same.

3. Notice of motion.

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4. Ms. Ruchika Sabherwal, Sr. 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 11.01.20132, 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 District Magistrate, Ludhiana 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.

(MANISHA BATRA)
JUDGE

16.12.2024
Jyoti-IV

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