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

CRWP-12208-2024

Date of Decision:- 18.12.2024

Bed

....Petitioner

Vs.

State of Haryana and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Pal Singh, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. AG Haryana.

AMARJOT BHATTI, J. (Oral)

1. Petitioner - Bed has filed criminal writ petition under Article 226 of Constitution of India for issuance of Writ in the nature of Habeas Corpus for the release detainee Ravi and articles, as mentioned in para No. 4 of this petition, who is in illegal and unlawful custody of respondent Nos. 5 and 6.

2. In the petition, there are allegations against respondent Nos. 5 and 6 that dispute arose with contractor who left the work and ran away with labour. They have illegally and forcibly kept detainee Ravi and his articles as mentioned in para No.4 of writ petition in the premises of Brick Kiln for doing labour work. Representation dated 11.12.2024 (Annexure P-1) was wrongly addressed to District Magistrate, Rohtak.

3. Aforesaid allegations mentioned in present 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 aforesaid provisions, it is the duty of District Magistrate, District Bhiwani, 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 direction to respondent No. 2 i.e. District Magistrate, Bhiwani, Haryana to treat this petition as complaint and to take immediate action in accordance with law within a period of three weeks from the date of receipt of certified copy of this order along with copy of writ petition.

(AMARJOT BHATTI)
JUDGE

18.12.2024

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