

2024:PHHC:172130



CRWP-12492-2024

Date of Decision: 20.12.2024

AKATTAR

...Petitioner

Vs.

THE STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Santosh Kumar, Advocate for the petitioner.

SANDEEP MOUDGIL, J. (Oral)

The instant criminal writ petition has been filed under Article 226 of the Constitution of India praying for issuance of a writ in the nature of Habeas Corpus for the release of the detenues mentioned in Para No.4 of the petition who are illegally detained by the respondent no 4 & 5 and warrant officer may kindly be appointed to locate the detenues at premises of Brick kiln SS Batha Marka S.N.J. situated at village Raipur Jattan, Gharaunda Road, near Jagdambba Sella Tehsil Gharaunda District Karnal..

A Division Bench of this Court in LPA No. 32 of 2013, titled as “*Murti Versus The State of Punjab and others*”, has held 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 No. 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 Bonded 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 compliant 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."

Accordingly, this Criminal Writ Petition is disposed of with a direction to Deputy Commissioner-cum-District Magistrate, Karnal to treat this petition as a complaint under the Bonded Labour (Abolition) Act, 1976 and take immediate action in accordance with law, 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.

(SANDEEP MOUDGIL)
JUDGE

20.12.2024

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