



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

141

**CRWP No.305 of 2025
Date of decision: 13.01.2025**

HEMANTA SARKAR**.... Petitioner**

Versus

STATE OF HARYANA AND OTHERS**.... Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Ms. Avneet Kaur and Mr. Shadab Ahmad, Advocates
for the petitioner.

Mr. Neeraj Poswal, A.A.G., Haryana.

MANISHA BATRA, J. (oral)

1. This petition has been filed under Article 226/227 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 the prayer clause as well as in para No. 7 of the petition, released from the illegal detention of respondent No. 5 to 7, who are the owner, Clerk and Munshi respectively of brick factory namely, Gaurav Bhatta Company.

2. Learned counsel for the petitioner submits that the detenues have been working at the brick factory of respondent No. 5 since July without any wages and are not allowed to leave the same.

3. Notice of motion.

4. Mr. Neeraj Poswal, A.A.G., Haryana who is present in Court, accepts notice on behalf of the respondent-State. Let a complete set of the paperbook be supplied to him 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 District Magistrate, Hisar 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 detainees, 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.

13.01.2025

Jyoti-IV

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable : Yes/No