



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

CRWP-526-2025

Date of decision: 17.01.2025

MOMIN

...PETITIONER

V/S

THE STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Aditya Partap Singh, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Article 226 of Constitution of India for issuance of a writ in the nature of *habeas corpus* for release of detenues as mentioned in para No.2 of the petition, alleged to be detained illegally by respondent Nos.4 and 5.

2. Learned counsel for the petitioner contends that private respondents had contacted the petitioner and detenues for working at his Brick Kiln for loading and unloading of raw bricks through horse carts. However, the work at the brick kiln of private respondents has not yet been started and they have forcefully detained the petitioner and detenues in the brick kiln. Further, the petitioner and detenues have requested the private respondents to leave them so that they may go to their home and earn their livelihood after taking payment but they refused to make the payment or allow them to go.

3. Learned counsel for the petitioner relies upon the judgment rendered by a Division Bench of this Court in ***LPA No.32 of 2013*** titled as ***Murti Vs. State of Punjab and Others***, decided on 11.01.2013 to contend that as per the ratio decidendi culled out in the said judgment, respondent No.2-



District Magistrate, Jhajjar has to conduct an enquiry as per Section 12 of the Bonded Labour System (Abolition) Act, 1976 by treating the present petition as a complaint and to get the detenues released forthwith, in case they are found to be bonded labour by private respondent.

4. Notice of motion.
5. Mr. Subhash Godara, Addl. A.G., Punjab, who is present in Court, accepts notice on behalf of official respondents and submits that the official respondents will look into the matter and will take a decision. Let sufficient number of copies of the complete paper book be supplied to him during the course of day.
6. In view of the above, instant petition is disposed of with a direction to respondent No.2 to treat the present writ petition as a complaint and conduct an enquiry as per Section 12 of the Bonded Labour System (Abolition) Act, 1976 and in case the detenues are found in illegal detention of private respondent Nos.4 and 5, they be released forthwith.

January 17, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |