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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-557-2025 (O&M)
Date of decision: 20.01.2025

Joni

... Petitioner

Vs.

State of Punjab 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. Present criminal writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for release of the detenues as mentioned in para No.2 of the petition, alleged to be detained illegally by respondents No.4 & 5.
2. Learned counsel for the petitioner contends that the private respondents had contacted the detenues for working at their Brick Kiln for loading and unloading of raw Bricks through horse carts. The detenues started their work and till date, they have an outstanding amount towards respondent No.4-owner. It is further contended that respondents No.4 & 5 have forcefully

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detained the detenues in the brick kiln and are being forced to work without payment of wages. The petitioner escaped from illegal detention of the private respondents and he informed about the incident to respondents No.2 & 3 by making an application dated 07.01.2025 (Annexure P-1), however, till date, no action has been taken.

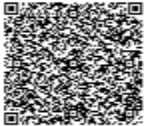
3. Learned counsel for the petitioner relies upon the judgment rendered by a Division Bench of this Court in ***LPA No.32 of 2013*** titled as ***Murti Vs. State of Punjab and Others***, decided on 11.01.2013, to contend that as per the ratio decidendi culled out in the said judgment, respondent No.2-District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

4. Notice of motion.

5. Mr. Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the 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 course of day.

6. In view of the above, instant petition is disposed of with a

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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 respondents No.4 & 5, they be released forthwith.

20.01.2025
vishnu

[HARPREET SINGH BRAR]
JUDGE

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