



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

CRWP-1500-2025 (O&M)
Date of decision: 11.02.2025

Tara

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

 Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. The present 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 detenues as mentioned in para No.2 of the petition, alleged to be detained illegally by respondent Nos.4 to 6.

2. Learned counsel for the petitioner contends that private respondents had contacted detenues for working at their Brick Kiln for moulding Kacha Bricks. The detenues started their work and till date, they have an outstanding amount towards respondent Nos.4 to 6. It is further contended that respondent Nos.4 to 6 have forcefully detained the detenues in the brick kiln and are being forced to work without payment of wages. Respondent Nos.4 to 6 have not paid them their agreed amount rather as and when they asked the payment, the said persons refused to make the payment and they gave beatings to the petitioner and detenues with undesirable elements.

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, Yamuna Nagar 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 respondents.

4. Notice of motion.

5. Mr. Ramesh Kumar Ambavta, AAG, Haryana 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, copy 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 to 6, they be released forthwith.

[HARPREET SINGH BRAR]
JUDGE

11.02.2025
Parveen Kumar

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