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

**CRWP-1779-2025 (O&M)
Date of decision: 20.02.2025**

Maman

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rajinder Yadav, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. 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 search of detinue as mentioned in para No.3 of the petition, alleged to be detained illegally by respondent No.4.

2. Learned counsel for the petitioner contends that the private respondent had contacted the detinue for working at his Brick Kiln for moulding kacha bricks. The detinue started her work and till date, she has an outstanding amount towards respondent No.4. It is further contended that respondent No.4 has forcefully detained the detinue in the brick kiln and is being forced to work without payment of wages. The petitioner escaped from illegal detention of respondent No.4 on 16.02.2025 and he has approached this Court by filing the present petition seeking release of the detinue.



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, Mahendergarh 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 detenue released forthwith, in case she is found to be bonded labour by respondent No.4.

4. Notice of motion to official respondents only.

5. Mr. Vikas Bhardwaj, 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 sufficient number of copies of the complete paper book be supplied to him during course of the 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 detenue is found in illegal detention of private respondent No.4, she be released forthwith.

[HARPREET SINGH BRAR]
JUDGE

20.02.2025
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No