



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

114

**CRWP-1938-2025(O&M)
Date of Decision: 25.02.2025**

AHASAN

....Petitioner

VERSUS

STATE OF PUNJAB AND ORS

....Respondents

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Yugal Kumar Jamwal, Advocate for the petitioner.
(through video conferencing mode)

Mr. Rubal Pawar, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. This petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of Habeas Corpus directing official respondents to get the detainee, mentioned in para No. 2 of the petition, released from the illegal detention of respondents No. 4 & 5, who are brick kiln owners namely Billa Bricks.

2. Learned counsel for the petitioner submits that the petitioner and detainee have been working at the brick kiln of respondent No. 4 & 5 since 12.09.2024. However, they have not paid them their agreed amount and only made some part payment according to their convenience despite repeated requests. They have also been illegally detained by them and even are not allowing to leave them.

3. Notice of motion.



4. Mr. Rubal Pawar, AAG, Punjab, 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, Hoshiarpur, Punjab 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 detainee, 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.

(MANISHA BATRA)
JUDGE

25.02.2025

Deepak Patwal

1. Whether speaking/reasoned	Yes/No
2. Whether reportable	Yes/No