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143 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-2263-2025 (O&M)
Date of decision: 05.03.2025

JAKIR KHAN

... Petitioner

Vs.

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Santosh Kumar, Advocate for the petitioner.

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 search of detenues as mentioned in para No.3 of the petition, alleged to be detained illegally by respondents No. 4 to 6.

2. Learned counsel for the petitioner contends that private respondents No. 4 to 6 had contacted detenues for working at their Brick Kiln for loading of *Kacha* Bricks. The detenues started their work and till date, they have an outstanding amount towards respondents No. 4 to 6. It is further contended that respondents No. 4 to 6 have forcefully detained the detenues in the brick kiln and are being forced to work without payment of wages. Learned counsel further contends that detenues are detained by the private respondents on the brick kiln since December 2024 and private respondents are not paying the balance amount of Rs. 40,000/- to the detenues and they are taking forcible work from the detenues as bounded labourers.

3. Learned counsel for the petitioner relies upon the judgment



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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. 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 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 respondents No. 4 to 6, they be released forthwith.

05.03.2025
Ajay Goswami

[HARPREET SINGH BRAR]
JUDGE

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