

Gurlal Singh

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Surinder Gandhi, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present criminal writ petition has been filed under Article 226 of Constitution of India for issuance of a writ in the nature of *habeas corpus* for release of detenues 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 detenues are the close relatives of the petitioner and the petitioner, who was also detained by respondent No.4, managed to run away from his clutches and has approached this Court to release the detenues mentioned in para 3 of the pleadings, from the illegal custody of respondent No.4. The detenues are working in the brick kiln from the month of January, 2025 but they have not been paid any wages yet and neither they are allowed to leave the brick kiln. He further submits that respondent No.4 has also obtained the thumb impressions and signatures of the detenues on the blank papers and there is possibility that he can prepare the pronote on the blank papers. However, the work at the brick kiln of private respondent has not yet been started and he has forcefully detained the petitioner and detenues in the brick kiln. Further, the petitioner and detenues have requested the private respondent to leave them so that they may go to their home and earn their livelihood after taking payment but he refused to make the payment or allow them to go.

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, Tarn Taran 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. Nitesh Sharma, DAG, Punjab, 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 respondent No.4, they be released forthwith.

(HARPREET SINGH BRAR)
JUDGE

17.03.2025

Neha

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