



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

CRWP-3385-2025

Date of decision: 03.04.2025

SHAKSI

...PETITIONER

V/S

STATE OF PUNJAB 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 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 Nos.4 to 6.

2. Learned counsel for the petitioner contends that private respondents had contacted the petitioner and detenues for working at their brick kiln for moulding *kacha* bricks at the rate of Rs.690/- for the year 2023, Rs.700/- for the year 2024 and Rs.750/- for the year 2025 per thousand *kacha* bricks and other terms and conditions i.e. suitable accommodation, medical aid etc. However, the private respondents turned hostile towards the petitioner and detenues and made them forcibly work whole day, while paying very meager wages. He further submits that when the petitioner and detenues asked the private respondents to give their total amount of about Rs.2,82,578/-, they came in rage and called their musclemen and thrown them out of the brick kiln, without giving their dues. Learned counsel further submits that two



detenues were illegally detained by private respondents and their household articles were also snatched.

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, 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 respondents.

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 respondents i.e. respondent Nos.4 to 6, they be released forthwith.

April 03, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |