



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

**CRWP-5821-2026
Decided on: 16.05.2026**

Kulwinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Bharat Julka, Advocate
for the petitioner.

SANJAY VASHISTH, J. (Oral)

1. Present petition, under Articles 226/227 of the Constitution of India, has been filed by petitioner – Kulwinder Singh, for issuance of writ in the nature of Habeas Corpus, specially a roving writ, for appointment of Warrant Officer, for the release of alleged detainees, namely, (i) Gurpreet Singh son of Harbans Singh, aged 59 years; (ii) Varinder Singh son of Parkash Singh, aged 37 years; (iii) Shital Singh son of Hakam Singh, aged 46 years; and (iv) Joginder Singh son of Nachattar Singh, aged 55 years, from the illegal custody of respondent Nos. 5 to 8.

2. Learned counsel appearing on behalf of the petitioner contends that the petitioner is President of Rice Husk and Turi Workers Union, Moga, and associated with labour welfare activities. The detainees, named above, are labourers and working in the Janta Rice Mill, Village Macchibugra, District Ferozepur, which is owned by respondent Nos. 5 to 7. On 03.04.2026, the detainees were removed from the work of labour and when they demanded their pending wages from respondent Nos. 5 to 7, they flatly refused to pay the same and threatened to get them involved in some false case(s) and sent inside jail. Thereafter, on 13.05.2026, when the alleged detainees again went to the said rice mill and demanded their dues, they were kept in illegal detention at around 06:00/07:00 p.m., by respondent Nos. 5 to 7. On coming to know the said fact, the petitioner alongwith other respectable persons approached respondent Nos. 5 to 7 for releasing of the detainees from their illegal custody and for payment of their pending dues.

On refusal of respondent Nos. 5 to 7, the petitioner approached respondent No. 8 – ASI Major Singh and disclosed the entire incident and requested to take action against respondent Nos. 5 to 7. Instead of taking the required action in accordance with law, respondent No. 8 also threatened the petitioner and other respectables with dire consequences. Thereafter, the petitioner was compelled to send two complaints dated 15.05.2026, i.e. (i) to respondent No. 2 – District Magistrate-cum-Deputy Commissioner, Ferozepur (Annexure P-5); and (ii) to respondent No. 3 – Senior Superintendent of Police, District Ferozepur. However, neither an action has been taken nor the detainees have been released by respondent Nos. 5 to 7 from their illegal detention, and the whereabouts of the detainees are not known.

3. Learned counsel appearing on behalf of the petitioner submits that he will be satisfied in case respondent No.2, who is the competent authority in terms of Section 16 and 17 of the Bonded Labour System (Abolition) Act, 1976 (hereinafter to be referred as 'the Act of 1976') is directed to take decision in terms of the judgment rendered by this Court in the case of **Murti v. State of Punjab and others** (LPA No. 32 of 2013, decided on 11.01.2013). The relevant extract of the said judgment reads thus:

“It may be mentioned here that the allegations of the appellant in the writ petition are that the alleged detainees mentioned in para No.3 of the writ petition who are working as labourers at the brick kiln of respondent Nos.5 to 7 are being kept as bonded labours. 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 Bounded Labour (Abolition) Act, 1976. We, however, clarify that the aforesaid observation does not mean that the allegations levelled by the appellant have been accepted. Suffice it to observe that under the Act, the District Magistrate is under statutory obligation to hold a fact finding enquiry as and when a complaint alleging violation of the provisions of Bonded Labour (Abolition) Act, 1976 is received. Since the appellant in the instant case has specifically averred that the persons mentioned in para No.3 of the writ petition have been detained as bonded labourers, we allow this appeal and set-aside/modify the order dated 9.1.2013 passed by the learned Single Judge to the extent that the petitioner's writ petition is disposed of with a direction to the District Magistrate, Sangrur, to treat this writ petition as a complaint under the 1976 Act and take immediate action in accordance with law, within a period of one week from the date of receiving a certified copy of this order alongwith a copy of the writ petition.”

4. A further reference is also made to the order passed in the case of Gurnam Singh v. State of Punjab and others (CRWP No. 4666 of 2020, decided on 08.07.2020), which reads thus:

“Accordingly, this Criminal Writ Petition is disposed of with a direction to District Magistrate, Fazilka to treat this petition as a complaint under the Bonded Labour System (Abolition) Act, 1976 and take immediate action in accordance with law, within a period of one week from the date of receiving a certified copy of this order along with a copy of the writ petition.”

5. In view of the above, the instant petition is disposed of with a direction to respondent No.2 – District Magistrate-cum-Deputy Commissioner, Ferozepur, to look into the grievance of the petitioner, as raised in the instant petition and in case any substance in the allegations is found true, then to take appropriate action under the Act of 1976, in accordance with law, within a period of one week from the date of receipt of a certified copy of this order along with copy of the criminal writ petition.

6. Criminal Writ Petition is disposed of in terms as aforesaid.

(SANJAY VASHISTH)
JUDGE

May 16, 2026

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No