
(2021) 02 P&H CK 0280

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 1850 Of 2021

Ikhlaq Mohammad

APPELLANT

Vs

State Of Haryana & Others

RESPONDENT

Date of Decision : 22-02-2021

Acts Referred:

Bonded Labour System (Abolition) Act, 1976 — Section 16, 17

Citation : (2021) 02 P&H CK 0280

Hon'ble Judges : Arun Kumar Tyagi, J

Bench : Single Bench

Advocate : Jagdish Manchanda, Nischal Chetanya Manchanda

Judgement

Arun Kumar Tyagi, J

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed this petition under Article 226 of the Constitution of India praying for issuance of a writ in the nature of Habeas Corpus for

appointment of a Warrant Officer for release of the detainees, whose names are mentioned in para No.5 of the petition, from illegal custody of

respondents No.4 and 5.

On oral request of learned counsel for the petitioner, District Magistrate-cum-Deputy Commissioner, Yamuna Nagar is impleaded as respondent

No.6. Memo of parties be amended accordingly.

Notice of motion restricted to respondents No.1 to 3 and 6 only at this stage.

Pursuant to supply of advance copy of the petition, Mr. Ranvir Singh Arya, Addl. A.G. Haryana has appeared and accepted notice on behalf of

respondents No.1 to 3 and 6.

I have heard the learned counsel for the petitioner and learned State counsel.

Hon'ble Division Bench of this Court observed in *Murti versus The State of Punjab and others*, LPA No. 32 of 2013 decided on 11.01.2013, as

under:-

It may be mentioned here that the allegations of the appellant in the writ petition are that the alleged detenues mentioned in para No.3 of the writ

petition who are working as labourers at the brick kiln of respondent Nos.4 & 5 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 Bonded 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.

In view of the above referred judicial precedent, this Criminal Writ Petition is disposed of with a direction to respondent No.6-District Magistrate-cum-

Deputy Commissioner, Yamuna Nagar to treat this petition as a complaint under the Bonded Labour System (Abolition) Act, 1976 and take immediate

action on the same in accordance with law and conclude the enquiry within a period of one week from the date of receiving a copy of this order along

with a copy of the writ petition.

Respondent No.6-District Magistrate-cum-Deputy Commissioner, Yamuna Nagar is further directed to send the compliance report to this Court

immediately on completion of his inquiry but in any case within 15 days and the same be placed on judicial side.

A copy of this order be supplied to learned State counsel and be also sent to respondent No.6-District Magistrate-cum-Deputy Commissioner, Yamuna Nagar for ensuring requisite compliance.