
(2010) 11 P&H CK 0472

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 2160 of 2010

Mahender

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 19-11-2010

Acts Referred:

Bonded Labour System Abolition Act, 1976 — Section 12 , 21
Constitution of India, 1950 — Article 226

Citation : (2010) 11 P&H CK 0472

Hon'ble Judges : Nirmaljit Kaur, J

Bench : Single Bench

Judgement

Nirmaljit Kaur, J.—This is a petition under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus directing the Respondents to release the detainees, as mentioned in para 5 of the petition, as they have been illegally and forcibly detained by the Respondents No. 3 to 5 as bounded labourers.

2. In para 5 of the petition, 32 persons are said to be illegally detained by Respondents No. 3 to 5, Brick Kiln Marka Kuldip Bhatha Co. situated in the are of Village Near Sesana, Tehsil Kharkhoda, District Sonapat. As per Section 12 of the Bonded Labour System (Abolition) Act, 1976, necessary action can be taken by the District Magistrate. Any offence committed under the said Act has to be tried by the Executive Magistrate as a Judicial Magistrate, as per the provisions of Section 21 of the Bonded Labour System (Abolition) Act, 1976.

3. The present petition is disposed of with a direction to the Petitioner to move a complaint before the District Magistrate/Executive Magistrate. In case, the said complaint/representation is made, the concerned authority shall look into the matter and take appropriate measures or decide the representation as per the requirement within 7 days of the filing of the complaint.

Disposed off accordingly.