
(2024) 10 P&H CK 1201
In the Punjab And Haryana At Chandigarh
Case No : CRWP No.9814 of 2024

Satpal Kumar

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 09-10-2024

Acts Referred:

Citation : (2024) 10 P&H CK 1201

Hon'ble Judges : Deepak Gupta, J

Bench : Single Bench

Advocate : Aditya Partap Singh

Final Decision : Disposed Of

Judgement

Harsimran Singh Sethi, J

1. The present peon has been filed under Article 226 of the Constitution of India praying for issuance of a writ in the nature of Habeas Corpus with request for appointment of a Warrant Officer to visit the spot and to get the detainees named in para No.2 of the peon released from illegal custody of respondent Nos.4 to 6.

2. Learned counsel contends that the peoner (subsequently escaped) along with other detainees mentioned in para No.2 of the peon were contracted by respondent Nos.4 and 5 for moulding kacha bricks for the brick kiln, who are allegedly detained by respondent Nos.4 and 5 against their wishes and consent as bonded labours and they are not being paid any wages. However, peoner escaped from the custody of private respondents without any physical harm.

3. Notice to respondent- State.

4. At the asking of the Court, Mr. Rajiv K. Takkar, DAG, Punjab, accepts notice on behalf of respondent Nos. 1 to 3.

5. It is apposite to refer to a judgment passed by Hon'ble Division Bench of this

Court in LPA No. 32 of 2013 Mur vs. State of Punjab and others, decided on 11.01.2013, wherein it has been held as under:-

"It may be menoned here that the allegaons of the appellant in the writ peon are that the alleged detenues meno ned in para No.3 of the writ peon who are working as labourer s at the brick kiln of respondent Nos.4 & 5 are being kept as bonded labourers. There can indeed be no doubt that if a labourer has been detained as bonded labour, it amounts to an o?ence under Secon s 16 & 17 of the Bonded Labour (Abolion) Act, 1976. We, however , clarify that the aforesaid observaon does not mean that the all egaons levelled by the appellant have been accepted. Su?ce it to observe that under the Act, the District Magistrate is under statutory obligaon to hold a fact finding enquiry as and when a complaint alleging violaon of the provisions of Bonded Labou r (Abolion) Act, 1976 is received. Since the appellant in the instant case has specifically averred that the persons menoned in pa ra No.3 of the writ peon 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 pe oner's writ peon is disposed of with a direcon to the Distri ct Magistrate, Sangrur, to treat this writ peon as a complaint u nder the 1976 Act and take immediate acon in accordance with law, wi thin a period of one week from the date of receiving a cerfied copy of this order alongwith a copy of the writ peon."

6. In view of the facts and circumstances of this case and above referred judicial precedent, this Criminal Writ Pe on is disposed of with a direcon to respondent No.2 to treat this peon as a complaint under the Bonded Labour System (Abolion) Act, 1976 and take immediate acon in accordance with law within a period of one week from the date of receipt of cerfied copy of this order along with a copy of thi s writ peon.

7. A copy of this order be sent to respondent No.2 for ensuring requisite compliance.

8. A copy of this order be given to counsel for the peoner under Bench Secretary of this Court.