



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

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**CRWP No.1017 of 2025
Date of decision: 29.01.2025**

SUSHIL KUMAR**.... Petitioner**

Versus

STATE OF HARYANA AND OTHERS**.... Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr. Aditya Pratap Singh, Advocate for the petitioner.

Mr. Neeraj Poswal, A.A.G., Haryana.

MANISHA BATRA, J. (oral)

1. This petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of Habeas Corpus directing official respondents to get the detenues, mentioned in para No. 2 of the petition, released from the illegal detention of respondents No. 4 to 6, who are the owners of the Brick Klin under the name and style of Mahashakti Bhatta Company.

2. Learned counsel for the petitioner submits that the detenues have been working at the brick kiln of respondents No. 4 and 5 since December 2024 without any wages and have been illegally detained by him and are not allowed to leave the same.

3. Notice of motion.

4. Mr. Neeraj Poswal, A.A.G., Haryana, who is present in Court, accepts notice on behalf of the respondent-State. Let a complete set of the paperbook be supplied to her during the course of the day.

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5. I have heard learned counsel for the parties and have also gone through the material placed on record.

6. A Division Bench of this Court, while dealing with a similar case in *LPA No. 32 of 2013*, decided on 11.01.20132, titled as *Murti versus The State of Punjab and others*, has observed that 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. It was further observed that the District Magistrate concerned is under statutory obligation to hold a fact finding enquiry as and when a complaint alleging violation of the provisions of the aforesaid Act is received. Accordingly, this Criminal Writ Petition is disposed of with a direction to District Magistrate, Kaithal to treat this petition as a complaint under the Bonded Labour System (Abolition) Act, 1976 and take immediate action in accordance with law for the release of the alleged detenues, within a period of one week from the date of receipt of a certified copy of this order along with a copy of the writ petition.

29.01.2025

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(MANISHA BATRA)**JUDGE**

Whether speaking/reasoned: Yes/No.
Whether reportable : Yes/No