

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

**CRM-M No.43144 of 2015 (O&M)
Date of Decision: 25.02.2016**

Pedro Osamuyimen

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Surender Deswal, Advocate for the petitioner.

Mr. Gaurav Dhir, Deputy Advocate General, Haryana
for the respondent/State assisted by ASI Chanvar Ram.

JASWANT SINGH, J. (Oral)

The prayer is for grant of regular bail under Section 439 Cr.P.C. to the petitioner/accused-Pedro Osamuyimen in case FIR No. 176 dated 19.11.2014, under Sections 420, 406, 467, 468, 471, 34 of the Indian Penal Code; Section 12 of the Passport Act and Section 14 of the Foreigners Act, registered with Police Station Sadar, Rewari.

As per the allegations, the complainant-Sandeep Kumar was induced in shelling out a sum around Rs.22 Lacs by the non-applicant/co-accused Madhulika by way of deposit of certain charges for bringing gold biscuits worth Rs.72 Lacs from Afghanistan. The petitioner/accused-Pedro Osamuyimen and the non-applicants/co-accused Mark Eghe & Madhulika Upadhyay were apprehended from the house of said Madhulika Upadhyay.

There was a recovery of 169 Sim Cards, 37 Mobile Phones and 03 Laptops etc. effected from the non-applicants/co-accused Mark Eghe and Madhulika Upadhyay whereas a recovery of Rs.1 Lac from the present petitioner/accused-Pedro Osamuyimen. They are alleged to have formed an international gang involved in cheating unsuspecting people.

It is submitted that the petitioner is in custody since 04.12.2014 and only 07 out of 22 prosecution witnesses have since been examined. He

further submits that other two co-accused Mark Eghe and Madhulika Upadhyay have since been granted regular bail by this Court, vide orders dated 05.10.2015 and 03.12.2015.

Learned State Counsel, assisted by ASI Chhanvar Ram, does not refute the aforesaid factual position.

Without commenting on the merits of the case, keeping in view the parity of treatment, custody period of the petitioner and the fact that trial is not likely to be concluded in near future, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on regular bail subject to heavy sureties to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

February 25, 2016
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(JASWANT SINGH)
JUDGE