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

**CRM-M-19591-2025 (O&M)**

**Date of decision : 08.09.2025**

**Akshit Jhamb**

**.....Petitioner**

**versus**

**State of Haryana**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Ms. Pooja Jaglan, Advocate  
for the petitioner.

Ms. Diya Sodhi, Sr. D.A.G., Haryana.

Ms. Mansi, Advocate  
for the complainant.

**RAJESH BHARDWAJ, J.**

**CRM-14822-2025**

Allowed as prayed for.

**Main case**

1. Prayer in the present second petition has been made for grant of regular bail to the petitioner in case FIR No.347 dated 05.09.2024 under Section 308(5), 351(4) of BNS, registered at Police Station Sector-29, Gurugram, Haryana.

2. Succinctly, the facts of the case are that the present case was registered on the statement complainant, namely, Vishal Bery. It was alleged that he has a business of dealing in property. In the month of June, 2024, he went to Dubai for vacation. During that time, he received a



whatsapp message and whatsapp call from a phone number i.e. 8619326282, where the caller told his name to be Rakesh, a member of the Vikas Lagarpuria Gang. He asked him to pay Rs.2 lacs as protection money failing which he would kill him and his family. He was threatened by him saying that they had already committed several murders and the police could not do anything to him as his gang is very powerful. On his return to India in July, 2024, he informed about the extortion call to his wife and sister. He was advised by them to give the money so as to prevent any harm. Hence, he paid Rs.50,000/- in cash to person, namely, Rakesh through his driver Pradeep Yadav at MG Metro Station in Gurugram. Thereafter, he started receiving threatening calls and whatsapp messages from various phone numbers including mobile numbers i.e. 9635750646, 8826352418 and 7355781964. Being afraid, he arranged Rs.1 lac and gave it to Rakesh through his acquaintance, Anil Arora. It was alleged that every time when Rakesh used to collect money he used to arrive in a white colour Swift Dzire car bearing No.DL-1CAE-7680. He alleged that in the last 02 months, he had given Rs.2 lacs in cash to criminal Rakesh through his driver Pradeep Yadav, security guard Deepanshu and Anil Arora. Despite the money having been given by him, he and his family members were getting repeated extortion calls from him. The request was made to take the legal action against the culprits. On registration of FIR, investigation commenced. During investigation, the complicity of the petitioner surfaced and thus, he was arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 20.10.2024. He approached the Learned Additional Sessions Judge, Gurugram, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions



Judge, Gurugram vide order dated 14.01.2025. Aggrieved by the same, the petitioner had earlier approached this Court by way of filing of CRM-M-11762-2025, however, the same was dismissed as withdrawn vide order dated 07.03.2025. Hence, the petitioner is before this Court praying for grant of bail by way of filing of present second petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. She submits that as per the allegations made in the FIR, the caller was one Rakesh who allegedly belonged to Vikas Lagarpuria Gang, however, the petitioner was not named in the FIR. She submits that the petitioner has been implicated in the present case on the basis of disclosure statement of co-accused Shubham Joshi, which is not even an admissible evidence. To buttress her arguments, she submits that the petitioner and the complainant has arrived at a compromise vide compromise deed dated 19.03.2025 and hence both the sides have amicably resolved their *inter se* dispute. It has been submitted that the petitioner never met the complainant but in the Test Identification Parade (TIP) he has been allegedly identified by the complainant which is not believable. In the TIP conducted on 27.11.2024, co-accused Shubham Joshi was identified. She thus, submits that eye-witness Pradeep Yadav has not identified the petitioner. It is submitted that no offence under Section 308(5) of BNS is made out in the facts and circumstances of the case. He submits that the petitioner is behind bars since the date of his arrest, however, there is no material progress in the trial and thus, his right of speedy trial is defeated. She thus, submits that keeping in view the facts and circumstances of the case, the petitioner deserves to be granted bail.



4. Learned counsel for the complainant has affirmed the submissions made by learned counsel for the petitioner that both the parties have entered into compromise and thus, she has no objection if the petitioner is granted bail.

5. Status report by way of affidavit of Mr. Vikas Kaushik, HPS, Assistant Commissioner of Police, DLF, Gurugram has been filed on behalf of respondent-State, in the Court today, same is taken on record.

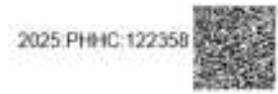
6. Per contra, learned State counsel has also opposed the submissions made by learned counsel for the petitioner. It has been submitted that the petitioner is the main accused in the case. She has drawn the attention of this Court to the status report filed and has submitted that a thorough investigation was carried out. During investigation, the Test Identification Parade (TIP) of co-accused, namely, Shubham Joshi was conducted on 21.10.2024 and that of petitioner-Akshit Jhamb was conducted on 25.10.2024. Both the accused were identified during TIP. Mrs. Sneha, wife of the complainant, produced 11 pages of *whatsapp* chats containing the threatening messages, the same had been investigated. The CDR and ID CAF of the mobile number 8826352418 were obtained during investigation. It is submitted that during investigation it was established that the petitioner called the complainant posing himself as Rakesh, a member of Vikas Lagarpuria Gang and he made an extortion call of Rs.2 lacs from the complainant. She submits that the petitioner had obtained Rs.1.5 lacs from the person sent by the complainant at MG Road Metro Station and on 04.09.2024, co-accused Shubham Joshi had taken Rs.50,000/- from the person sent by the complainant, while the petitioner was waiting at some distance. The complicity of the petitioner was disclosed by co-accused Shubham Joshi



in his disclosure statement. She submits that the complainant has turned hostile under the pressure of the petitioner and the same cannot be a ground for granting bail to the petitioner. It is submitted that the prosecution has collected the documentary evidences as well against the petitioner where his complicity is duly proved. She submits that out of total 23 prosecution witnesses, only 02 witnesses have been examined so far before the trial Court. She has produced the custody certificate of the petitioner on record.

7. This Court has heard counsel for the parties and perused the record with their able assistance.

8. It has been deciphered that the FIR was lodged on the statement of the complainant wherein he alleged that he had received extortion call. During investigation, co-accused, namely, Shubham Joshi was arrested. His disclosure statement was recorded on 08.09.2024. He had given the details of the complicity of the petitioner. Shubham Joshi had been engaged by the petitioner as a Taxi Driver. The extortion money was used to be collected by the petitioner in conspiracy with the co-accused. The test identification parade was conducted wherein both the accused were identified. The State has filed the status report wherein the *whatsapp* messages had been placed on record. The Investigating Agencies have investigated the source of these *whatsapp* messages and it has been found that the same were made on the phone of the complainant and his wife, by the petitioner. He posed himself as Rakesh. Though the complainant has turned hostile as submitted before this Court, however, the case of the prosecution is not simply based on the statement of the complainant but there are other evidences as well. As per the custody certificate, the petitioner has suffered an incarceration of 10 months and



16 days as on 05.09.2025. It further reflects that the petitioner is involved in 02 more cases, however, he is on bail in those cases. In all there are 23 prosecution witnesses out of which only 02 witnesses have been examined so far.

9. Keeping in view the overall facts and circumstances of the case and the gravity of offence, this Court is of the opinion that granting bail to the petitioner would adversely affect the ongoing trial and thus, the present petition is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

08.09.2025  
*ps-I*

( RAJESH BHARDWAJ )  
JUDGE

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |