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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 4973/2025 & CRL.M.A. 38361/2025**

NAVEEN

.....Applicant

Through: Mr. M.K. Khanna, Adv.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Mr. Ritesh Kumar
Bahri, APP for the State
along with Ms. Divya
Yadav, Adv.

Insp. Suneel Siddhu, PS
Mangolpuri.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **22.12.2025**

1. The present application is filed by the applicant seeking regular bail in FIR No.11/2023 dated 07.01.2023, registered at Police Station Mangol Puri, for offence under Section 365 of the Indian Penal Code, 1860.
2. The application filed by the applicant seeking regular bail was dismissed as withdrawn before this Court *vide* order dated 22.08.2025 with the liberty to the applicant to file afresh after public witnesses are examined.
3. It is pertinent to note that not even four months have elapsed since the aforesaid order was passed. It is the case of the applicant that the trial has not proceeded and the witnesses are not being examined.
4. The learned counsel for the applicant submits that the present application should be heard on merits.



5. It is common knowledge that when the High Court is not convinced and wants to dismiss the application seeking bail, permission is granted to the accused to withdraw the application and file afresh. This Court in ***Rajkumar v. State (NCT of Delhi) : 128 (2006) DLT 264*** noted that such orders are generally orders on merits and applicants cannot be allowed to subsequently contend that their application was never heard on merits.

6. Thus, only because no reason is recorded for dismissal of the bail application, the same cannot be a ground to hear the subsequent bail application afresh.

7. However, as noted above, the applicant has expressed a concern that the trial is not proceeding and the witnesses are not being examined.

8. In that regard, the present application is disposed of with the directions to the learned Trial Court to not grant unwarranted adjournment to any of the parties and make an endeavour for recording evidence expeditiously.

AMIT MAHAJAN, J

DECEMBER 22, 2025

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