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

+ **BAIL APPLN. 1907/2025**

SANTOSH KUMAR KUSHWAHA

.....Petitioner

Through: Mr. Naveen Panwar, Advocate
(through VC) with Mr. Aditya
Aggarwal, Mr. Ankit Mutreja and
Mr. Mohd Yasir, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with ACP Sanjay Bhardwaj and
Inspector Manu Dev, PS Subzi Mandi

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

10.02.2026

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1. Petitioner seeks regular bail in case FIR No. 112/2019 of PS Subzi Mandi for offence under Section 302/201/404 of IPC.
2. Broadly speaking, one of the major planks on which bail is sought is that the accused/applicant is in custody for past six years and it is a case based on circumstantial evidence.
3. Learned APP submits that five vital witnesses of prosecution remain to be examined, after which formal witnesses would be summoned. Learned APP submits that they would be able to examine those five vital witnesses in three days, after which formal witnesses would be summoned.
4. In above circumstances, learned counsel for accused/applicant, on instructions, seeks permission to withdraw this bail application with liberty



to file afresh before the trial court after examination of those five vital witnesses of prosecution.

5. Accordingly, the bail application is dismissed as withdrawn with liberty as sought.

6. The trial is now stated to be listed on 02.03.2026. Learned trial court is requested to conclude testimony of those five vital witnesses of prosecution within two months from 02.03.2026, so that thereafter, the accused/applicant may apply afresh for bail before the trial court. It is further made clear that as and when the accused/applicant files fresh bail application before the trial court, the same shall be considered without getting influenced by this order of withdrawal of the bail application.

7. Copy of this order be sent to the learned trial court.

GIRISH KATHPALIA, J

FEBRUARY 10, 2026

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