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

+ **BAIL APPLN. 2564/2025 & CRL.M.A. 19996/2025**

PREETI SAHARAWAT(IN JC)

.....Petitioner

Through: Mr. Joginder Tuli, Ms. Joshini Tuli,
Advocates

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Aashneet Singh, APP for the
State with SI Sanjay Kumar, P.S.
Crime Branch

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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15.07.2025

1. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in proceedings arising from FIR No. 84/2019 registered under Section 302 of the Indian Penal Code, 1860³ at P.S. Vasant Vihar.

2. Briefly stated the case of the prosecution is as follows:

2.1. Information was received on 23rd June, 2019 at about 08:50 AM, that some incident has occurred at an apartment in Vasant Vihar and blood is coming out from under the gate. The said information was recorded as DD No. 13A at P.S. Vasant Vihar and entrusted to SI Amit Kumar for necessary action.

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



2.2. When SI Amit Kumar went to the spot along with HC Mange Ram, they met the informer and another person who told them that one Mr. Vishnu Swaroop Mathur, his wife Mrs. Shashi Mathur and their nurse Ms. Khushbu were lying dead in their house.

2.3. Acting on this information, the police officers entered the building and found that the main gate of the said house was unlocked and there were 2 dead bodies (one male and one female) lying in the right side bedroom. The bodies were later identified as Vishnu Swaroop Mathur s/o Late Shri Ghasiram Mathur, age-82 years and Mrs Shashi Mathur w/o Vishnu Swaroop Mathur, age-74 years. Both the deceased had injury marks on their neck and the room in which they were found was completely ransacked. Upon further search of the house, another female dead body was found lying in a pool of blood in the dining area. The deceased was later identified as Khushbu Nautiyal, ages 30 years, who was the nursing assistant of the elderly couple. On the basis of the above discovery, the subject FIR was registered and investigation was taken up.

2.4. During investigation, the Crime Team including photographer, Finger print expert and forensic science team were called to get the spot inspected. The brutality with which the attacks on the deceased occurred was captured in the photographs taken at the crime scene.

2.5. A number of exhibits, i.e. a Cigarette packet & Bidi stubs, blood stained blanket, pillows, bed sheets, Lungi, Tea Cup, Tray, blood stained marble piece of floor and unstained marble piece of floor, one unused condom in plastic strip pack, steel glass, black liquid etc. were collected from the scene of crime as evidence and taken into police possession *vide* separate seizure memos.



2.6. The post mortem of the bodies of the deceased was conducted by the Forensic Department at Safdarjung hospital, New Delhi, during which the clothes, viscera, blood on gauze and nail clippings of all the three dead bodies were preserved by the doctors and handed over to police. The outer and internal vaginal swab of deceased Khushboo was also preserved by the doctors.

2.7. As per the post-mortem reports, the cause of death of deceased Khushboo was opined to be due to shock and haemorrhage resulting from multiple stab injuries sustained to the neck. All her injuries were opined to be antemortem in nature and caused by sharp cutting/stabbing double edged weapon. The cause of death of Shri Vishnu Swaroop Mathur was opined to be Haemorrhagic shock as a result of repeated ante-mortem injuries to neck caused by a blunt penetrating object and the cause of death of Smt. Shashi Mathur was opined to be due to shock and haemorrhage resulting from throat cutting. All the injuries were opined to be antemortem in nature, caused by a sharp cutting/stabbing double edged weapon.

2.8. During the course of investigation, the daughter of the deceased elderly couple – Smt. Amita Bhatnagar was examined, who stated that after being informed of the death of her parents and their nursing attendant, she went to the house where the incident occurred and found that many articles were missing, including several jewellery items. She provided the investigators with a list of the missing items and stated that the gruesome murder occurred with the intent to commit robbery.

2.9. During further investigation, on the basis of secret information received by the Crime Branch, the accused persons Manoj Bhatt and the Applicant, Preeti Saharawat were apprehended from a hotel situated at



Sector-28, Gurgaon, Haryana. On sustained interrogation, both of them admitted to their involvement in the commission of the triple murder. Accordingly, they were formally arrested on 26th June, 2019 and a black colour Pulsar motor cycle and a black sling bag, used during the commission of the offence, some jewellery items, cash of INR 86,000/- and four mobile phones belonging to the two accused were seized.

2.10. A golden chain with a Sai baba pendant and ring, which were reported missing/stolen by the daughter of the deceased were recovered and seized from Manoj Bhatt and a bangle type bracelet (Kada), which was also reported missing/stolen was recovered and seized from the possession of the Applicant, Preeti Saharawat.

2.11. The Trial Court granted police custody for both of the accused, during which, their respective disclosure statements were recorded and further investigation was taken up.

2.12. During police custody, all the remaining robbed jewellery items were recovered at the instance of accused Manoj Bhatt. Furthermore, he also identified the location in Gurgaon where he had discarded the clothes worn by both the accused during the commission of crime, as well as the knife, screw driver, and other items used during the crime. All of the said items were recovered at his instance.

2.13. The exhibits lifted by the FSL team from the spot, and from the items recovered at the instance of the accused were sent for expert Forensic Analysis. The results of the said analysis *inter-alia* revealed the following details:

a. Fingerprints lifted from a plastic box and three wooden almirahs matched the left palm portion of accused Manoj Bhatt.



b. The biological stains on the bidi stubs matched with the blood sample of the accused Manoj, recovered from a blood-spot found at the scene of the crime.

c. The biological stains on the cigarettes matched with the blood sample of the accused Preeti Saharawat, recovered from the clothes recovered at the instance of Manoj.

d. The biological stains on the recovered steel glass matched the blood sample of the deceased Shashi Mathur as well as the blood sample of accused Preeti Saharawat.

e. The biological stains on the knife and shirt worn by the accused Preeti during the crime, matched the blood sample of the deceased Khushboo.

2.14. Furthermore, the weapon of the offence, i.e., the knife and screw driver recovered at the instance of accused Manoj were sent to the Forensic Department, Safdarjung Hospital for obtaining a subsequent opinion on whether the types of injuries mentioned in the post mortem report of the deceased persons could possibly be caused by these weapons. The report of the concerned doctor, in this regard, clearly states that the external injuries found on the body of the deceased Khushboo and Mrs. Shashi Mathur could be possible from the knife examined by him. Similarly, the doctor who conducted the post mortem of Vishnu Shavroop Mathur opined that the external injuries found on his body are possible by the screw driver.

2.15. Further, in a Test Identification Parade of the robbed articles, the daughter of the deceased elderly couple - Smt. Amita Bhatnagar, correctly identified the recovered jewellery articles robbed by the accused persons.

2.16. During investigation, the Applicant stated that she had pledged four of the robbed gold bangles and Kadas at a jewellery shop situated at Sadar



Bazar, Gurgaon. In fact, she identified the shop as well. The owner of the jewellery shop correctly identified the Applicant as the person who deposited four gold bangles with him as security, in lieu of cash to the tune of INR 1,50,000/-, on the pretext of her husband's illness. The witness also produced a 'Girvi Nama' executed between him and the Applicant Preeti Saharawat, which was taken seized along with the gold bangles and Kada.

2.17. The investigation has revealed that the deceased Smt. Shashi Mathur was actually the aunt of the Applicant Preeti. The Applicant visited the house of the deceased on 17th June, 2019 and reced the house and the members residing inside. Thereafter, she informed the co-accused Manoj of the house as a potential target. The Call Detail Records⁴ analysis of the mobile phones used by both the accused Manoj and Preeti revealed that on 17th June, 2019, prior to going to the deceased's house for recce, both the accused were at the same location in Gurgaon at about 11:45AM. Moreover, once the Applicant went to the deceased's house, she made frequent calls to co-accused Manoj for considerable durations to provide details of the potential targets and their house. The CDR analysis leading up to the brutal attack revealed that Manoj was in frequent contact of Preeti, which clearly supports the aspect of conspiracy between them.

2.18. On 22nd June, 2019 in the middle of the night, the accused reached the house of the deceased on the black Pulsar motor cycle owned by Manoj. Initially, Preeti entered in the house, with Manoj coming in later. After entering the house, they interacted with all three deceased and during the process, Manoj smoked bidi and put alcohol mixed cold drink in a glass. After committing the murders, he along with Preeti searched the house and



segregated the jewellery, property papers and three mobile phones of the deceased and robbed them. On the entire intervening night of the incident i.e. 22nd/23rd June, 2019, there was no activity on the mobile phone of the Applicant Preeti, which suggests that her mobile phone was probably switched off.

2.19. After completion of the investigation, the chargesheet has been filed and charges have been framed against the two co-accused. Presently, the trial has progressed and is at the stage of prosecution evidence.

3. Counsel for the Applicant urges the following grounds for seeking bail:

3.1. The Applicant, a woman aged about 48 years, is a single mother having the responsibility of looking after two children who are dependent upon her. There are no eye-witnesses cited by the prosecution and their entire case against the Applicant rests on circumstantial evidence. Moreover, all the material witnesses, have been examined before the Trial Court and therefore, there is no chance of the Applicant tampering with the evidences or witnesses.

3.2. The Applicant has been in custody since her arrest on 26th June, 2019 and has undergone more than 6 years in custody as an under-trial. The conclusion of trial is likely to take considerable time as presently only 12 prosecution witnesses, out of the cited 41 witnesses have been examined. Therefore, she ought to be release on bail as further incarceration amounts to punitive detention.

3.3. The Applicant has a history of health issues as there is an implant in her right tibia, she has asthma and haemorrhoids. She is facing severe pain

⁴ “CDR”



in her back and right leg since November 2024 and her health is deteriorating in jail.

3.4. Being a woman, the Applicant is entitled to the benefit of the proviso to Section 437 of Cr.P.C. which states that a woman undertrial prisoner can be granted bail even if charged for an offence punishable with death or imprisonment for life. Reliance is *inter-alia* placed on ***Tapas Kumar Palit vs. State of Chhattisgarh***⁵, ***Davinder Kaur @ Sonia Vs. State of Delhi***⁶ and ***Balwinder Singh Vs. State of Punjab & Anr.***⁷

3.5. Furthermore, her continued incarceration during the pendency of the trial which is delayed, is prejudicial to her right to a speedy trial under Article 21 of the Constitution.

3.6. The Applicant has clean antecedents and has deep roots in society, thus, she is not a flight risk.

4. On the other hand, Mr. Aashneet Singh, APP for the State, strongly opposes the present bail application and submits as follows:

4.1. The FIR pertains to the heinous and brutal triple homicide, motivated by robbery. While there may not be any eye witness to the incident, as all of the residents of the house were murdered, during investigation sufficient scientific evidence has been collected which implicates the Applicant beyond reasonable doubt.

4.2. The CDR analysis of phones of the Applicant and the other co-accused clearly supports the fact that they not only scoped the house before the attack but that they were fully engaged in the conspiracy to murder and rob the deceased.

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4.3. The proceedings in the trial court are at the critical stage of prosecution evidence. A material witness (Sh. Krishan Lal), who is the owner of the jewellery shop where the Applicant pledged the stolen articles, is yet to be examined. His testimony is crucial as he had identified the Applicant as the pledger during investigation. Therefore, granting the Applicant bail at this stage could potentially impede the trial proceedings as she may abscond or otherwise attempt to influence witnesses.

4.4. Her previous interim bail application was dismissed by this Court on 24th March, 2025 and since then there have been no material change in circumstances.

5. The Court has considered the aforementioned contentions. The instant case relates to a gruesome incident which occurred on 23rd June, 2019, involving the cold-blooded murder of three persons, of whom two were senior citizens aged 82 and 74 years, while the third was a young nursing assistant aged about 30 years. The place of occurrence which is the residence of the senior citizens where they were found with multiple stab/cutting injuries on their neck, demonstrating *prima facie* that the intention was not only to inflict injuries but to definitively cause death. The house was then ransacked, indicating robbery as a possible motive.

6. The investigation has *prima facie* revealed that the Applicant, who is a relative of one of the deceased, had conspired with co-accused Manoj Bhatt to commit the offence. As per the status report filed by the Investigating Officer before the Trial Court, certain articles were recovered from the crime scene including a cigarette packet & Bidi stubs, blood stained blanket, pillows, steel glass, and other articles. The FSL report

⁷ SLP (Crl.) No. 8523/2024,



relating to these articles has revealed that the biological stains present on the cigarette recovered from the crime scene matched the blood sample with the Applicant. Likewise, the blood stains present on the steel glass also matched with the Applicant. The blood stains found on the shirt worn by her also matched the blood sample of one of the victims – Khushboo. Moreover, some of the robbed jewellery articles were recovered from the luggage of the Applicant when she was apprehended and these articles have been duly identified by the daughter of the deceased. The Applicant allegedly pledged some of the robbed articles at a jewellery shop in Gurgaon and the owner of the shop has identified the Applicant during investigation as well. This owner of the jewellery shop is a crucial witness who is yet to be examined.

7. In fact, the CDR analysis indicates that in a pre-meditated manner, the Applicant went to the house of her aunt (the deceased) to potentially gather important information about them and during this time she contacted her co-accused on multiple occasions for substantial durations of time. This, coupled with the fact that she went to pledge the robbed items at a jewellery shop and has been identified by the owner of the shop, strengthens the case of the prosecution and *prima facie* points to her culpability.

8. It must also be noted that the Applicant has repeatedly filed bail applications before the Trial Court all of which have been rejected. While the jurisdiction of this Court under Section 439 of Cr.P.C. has been invoked for the first time, nonetheless, the same grounds which have been previously rejected by the Sessions Court multiple times are being reiterated herein, without any material change in circumstances.

9. Even though the Applicant has been in custody as an under-trial for a substantial period of time and she is a woman who has to look after two



children who are dependent on her, these grounds cannot be the sole basis for granting her bail, especially considering the gruesome nature of the attack and her role in the commission of the offence.

10. Thus, having regard to the totality of circumstances as narrated above, the nature of the crime being extremely heinous, involving the murder of two senior citizens and a young lady, as well as the evidence collected during investigation which *prima facie* connects the Applicant to the commission of offence, indicates the Applicant's active involvement in the conspiracy to commit murder and robbery. In light of the foregoing, the Court does not find any ground to release the Applicant on a regular bail.

11. Accordingly, the present bail application is dismissed along with pending application(s).

SANJEEV NARULA, J

JULY 15, 2025/ab