

(5) (07)  
**COURT OF SENIOR CIVIL JUDGE/JM, ORAKZAI AT BABER MELA**

**Case Title: State Vs Waris Khan**

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order No. 06	15.01.2026	<p>Briefly recapped, in case FIR No 30, wherein 04 accused persons were remanded to police custody by Magistrate on duty, only one was produced after the expiry of the custody period. The IO reported that the remaining three accused persons were killed by unknown attackers when they were being taken in police custody for site inspection, as reported in FIR No 32 of 18/12/25.</p> <p>Mr. Waris Khan, the only living accused from among the 04 charged in FIR no 30, made certain shocking allegations in open court and in his statement recorded thereafter which made this preliminary inquiry necessary. Witnesses of the incident were summoned to ascertain, prima facie, as to what actually transpired on the eventful day the 03 accused persons were slain in police custody.</p> <p>The investigation officer, Mr. Bakht Munir, and two police officials allegedly injured in the attack, Mr. Salim Khan, SHO, and constable Mr. Hasan Khan, were summoned to record statements about the incident. Bakht Munir, being the investigation officer in both cases, and witness of the incident, furnished the most detailed account of the event.</p> <p>Facts as reported by the police reads that out of the four accused persons, 03 were taken to the site for</p>

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<b>Order No. 06 Continued.</b>	15.01.2026	<p>investigation on 18/12/25. The arrestees were accompanied by four police vehicles carrying 30/32 personnel. Upon arrival on site, they were attacked by an unknown number of unidentified assailants. In the 15 minutes long encounter, roughly 4-5 hundred rounds were fired at the police party and accused persons. All three of the accused persons were killed, and two police officials received injuries. The attackers fled the scene without any injury, arrest, or trace of their identity, reportedly.</p> <p>Police version of the incident, when considered in view of the foul play alleged by accused Mr. Waris, raises serious doubts on the effectiveness of the justice system, and the competence and capacity of the Police.</p> <p>A police team comprising on 30 plus personnel seemingly failed to protect 03 arrestees in their custody against 10-12 attackers. Further, not only incredibly disproportionate casualties were inflicted on the police, the attackers managed to flee the scene unscathed, and untraced. Not one was wounded, captured, or identified. The only material recovery from the point of the attack are a handful of empties against 500 shots allegedly fired.</p> <p>The arrestees were all killed in a brutal manner with some receiving as many as 32 bullet hits. On the other hand the police officials, from the statements of police officials, were barely grazed. To a layperson, the subject officials are</p>
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<b>Order No. 06</b> <b>Continued.</b>	15.01.2026	<p>back on duty in two weeks' time, and their injuries are hardly visible to an unaided eye. Photographs on file should support the observation. Surprisingly, in such a heavy and deadly attack, no damage was caused to the police vehicles either.</p> <p>Custodial torture/death is a matter of grave concern. A special law was enacted in 2022 to curb and eliminate this evil. The duty of judiciary cannot be overemphasized in prosecution of crimes. Throughout the process, all the way through from arrest of an accused to the completion of his sentence by a convict, the judicial organ of the state is responsible to see to that an accused is treated in accordance with law, and that no harm is caused to him in violation of law.</p> <p>In view of the observations above, the undersigned understands that the matter seemingly attracts section <b>2(g)(h)(n) <i>Torture and Custodial Death Act 2022</i></b>. Therefore, a probe is merited, and, if foul play is established, meaningful prosecution of those found guilty both under the penal code, and service laws should follow.</p> <p>Director FIA, KP Zone, is hereby notified under section 5(2) of <b><i>Torture and Custodial Death Act 2022</i></b> and is required to initiate investigation into the death of the three accused persons in <b><i>FIR No 32 of 18/12/25 PS Ghiljo</i></b>, Orakzai, and also into the allegations of custodial torture</p>
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<b>Order No. 06 Continued.</b>	15.01.2026	<p>etc. complained by Mr. Waris in his statement in <i><b>FIR No 30 of 27/11/25.</b></i></p> <p>Findings of the investigation may kindly be intimated to this court within the statutory period i.e. 30 days, as provided under section 13 of the act ibid.</p> <p>Statements recorded in this inquiry shall remain accessible for the assistance of the prospective investigation officer. Further, investigation officer Mr. Bakht Munir shall ensure availability of entire records of both the cases to investigation officer from FIA.</p> <p>Copy of this order be shared with Honorable District and Sessions Judge, and respected Deputy Inspector General Police Kohat division.</p> <p>File be consigned to record room after its completion and compilation.</p> <p><b><u>Announced</u></b> 15.01.2026</p> <p style="text-align: right;"> <b>Ijaz Mahsood</b> Senior Civil Judge/JM, Orakzai (at Baber Mela)</p>
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