

IN THE COURT OF HAQ NAWAZ,
SESSIONS JUDGE, ORAKZAI AT BABER MELA

SESSION CASE NO. : 27/2 OF 2025
DATE OF INSTITUTION : 09.10.2025
DATE OF DECISION : 24.08.2026

STATE THROUGH MUHAMMADI HAQ S/O GULMAT KHAN,
CASTE SHEIKHAN, UMARZAI, DISTRICT ORAKZAI

------(Complainant)

VS

MUHAMMADI HAQ S/O GULMAT KHAN, CASTE SHEIKHAN,
UMARZAI, DISTRICT ORAKZAI

------(Accused)

Present: Abul Qasim, Senior Public Prosecutor for the State.
: Muhammad Ishaq Advocate for accused.

FIR No. 60 || **Dated: 18.07.2025**
U/S: 302/311 PPC || **Police Station: Mishti Mela**

JUDGEMENT
24.08.2026

This case was registered against the accused Muhammadi Haq S/O Gulmat Khan, Caste Sheikhan, Umarzai, District Orakzai vide FIR No. 60, Dated 18.07.2025 registered at Police Station Mishti Mela u/s 302/311 PPC.

2. According to the prosecution's case, the local police, while responding to information about the occurrence, reached DHQ Hospital Mishti Mela on 18.07.2025 and found the dead body of Mst. Bibi Salma d/o Muhammadi Haq in the emergency room. The father of the deceased namely Muhammadi Haq reported the matter to the local police at 1840 hours that his daughter Mst. Salma Bibi had eloped with one Zubair some two years ago and the local police rescued her whereafter she was sent to Dar

Haq Nawaz
District & Sessions Judge
Orakzai at Baber Mela

106

STATE VS MUHAMMADI HAQ
FIR No. 60, Dated 18.07.2025, u/s 302/311 PPC
Police Station: Mishti Mela

Ul Aman, Kohat by the court. The complainant had taken her daughter from Dar Ul Aman to his house where she was residing with him. He further reported that he was present in his home on the eventful day when he received information at 1150 hours that the said Zubair has been killed in Hangu Bazar by someone; so, he took a rifle and fired upon her daughter in a room of his house on the pretext of honour, who got hit and died on the spot.

3. After completion of investigation, complete challan was submitted against the accused. He was summoned and copies were provided to him under Section 265-C CrPC. The accused was formally charge sheeted, but he pleaded not guilty and claimed trial. The prosecution produced a total of 09 witnesses before the Court. A brief resume of the depositions of the prosecution's witnesses is as under;

- I. Ihsan Ullah Moharrir recorded his statement as PW-1. He deposed that the Murasila was received by him from ASHO Amir Khan through constable Muhammad Shafiq which was incorporated into FIR Ex. PA. He handed over its copy to Incharge Investigation. The PW received parcel No. 1 from ASHO Amir Khan which was kept by him safely in Malkhana after making its entry in register No. 19. He also received parcels No. 2 and parcel



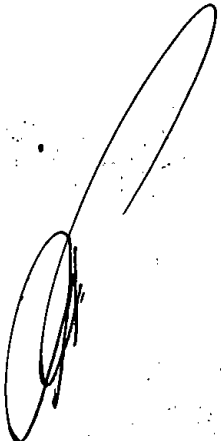
Haq Nawaz
District & Sessions Judge
Qarakzai at Baber Mela

107

STATE VS MUHAMMADI HAQ
FIR No. 60, Dated 18.07.2025, u/s 302/311 PPC
Police Station: Mishti Mela

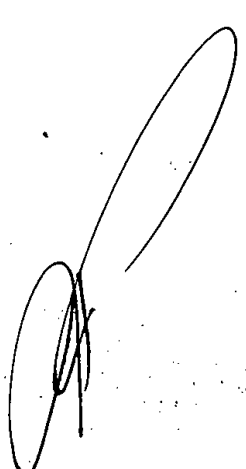
No. 3 from the IO on 19.07.2025. Similarly, parcel No. 4, containing crime weapon, was received by the PW from the IO on 20.07.2025. The same were also kept safely in Malkhana by him after making entries in register No. 19. He handed over the parcels to the IO for sending the same to FSL on 21.07.2025. The extract of register No. 19 was produced as Ex. PW 1/1. Statement of the PW was recorded by the IO u/s 161 CrPC.

II. The ASHO Amir Khan appeared before the Court and recorded his statement as PW-2. He stated that the accused reported the matter to him at DHQ Hospital Mishti Mela on 18.07.2025 in the emergency room that his daughter eloped with Zubair s/o Muhammad Sharif some two years ago who was taken to Dar Ul Aman on the order of court. They took out his daughter from Dar Ul Aman by furnishing bonds whereafter she was residing with him. The accused received information at 1150 hours in his house that Zubair was done to death in District Hangu on the day of occurrence; so, he took his rifle and made firing upon his daughter Mst. Bibi Salma and



Haq Nawaz
District & Sessions Judge
Qarakzai at Baber Mela

killed her on the pretext of honour. The PW reduced the report of complainant/accused into Murasila which is Ex. PW 2/1. He made videography of the report made by the complainant/accused which was converted into a USB and sealed into parcel No. 1. It was taken into possession vide recovery memo Ex. PW 2/2. He prepared injury sheet of the deceased which is Ex. PW 2/3 and her inquest report which is Ex. PW 2/4 and handed over to doctor through constable Muhammad Janan. The PW issued card of arrest of the accused which is Ex. PW 2/5. He sent the Murasila and other documents to police station for registration of FIR. He handed over parcel No. 1 and the accused to Moharrir on his arrival to police station. The PW verified the documents prepared by him and stated that the same are correct which correctly bear his signatures.



Haq Nawaz
District & Sessions Judge
Orakzai at Baber Mela

III. Muhammad Janan appeared before the Court and recorded his statement as PW-3. He stated that he brought the dead body of deceased Mst. Bibi Salma from village Takhtak, Dago to DHQ Hospital Mishti Mela on 18.07.2025 where the complainant made the report to

ASHO who recorded his video and sealed it into parcel No. 1. It was taken into possession through recovery memo Ex. PW 2/2 in presence of the PW. He handed over the dead body along with the relevant documents to the doctor for post-mortem. The PW received blood-stained garments of the deceased from the doctor which was handed over by him to the IO. His statement was recorded by the IO u/s 161 CrPC.

IV. Muhammad Younas stood in the witness box as PW-4. He stated that he submitted complete challan Ex. PW 4/2 against the accused on 29.07.2025.

V. Fazal Haq appeared before the Court and recorded his statement as PW-5. He stated that he identified the dead body of Mst. Bibi Salma before the police and doctor at DHQ Hospital Mishti Mela.

VI. Dr. Fatima, Medical Officer, appeared before the Court and recorded her statement as PW-6. She stated that she examined the dead body of Mst. Bibi Salma d/o Muhammadi Haq on 18.07.2025. During the post-mortem examination, the Medical Officer found the


Haq Nawaz
District & Sessions Judge
Orakzai at Baber Mela

following external appearance and injuries on the dead body;

I. External Appearance: Condition of subject, stout, decomposed etc. and clothing.

(i) Blood-stained clothes.

Injuries:

(i) Three bullet wounds with entry and exit were observed with no bruises.

First entry wound was noted on left side of chest with 02 cm below mid clavicular line about 1.5 cm with exit wound on back between 02 scapula about 2.5 cm.

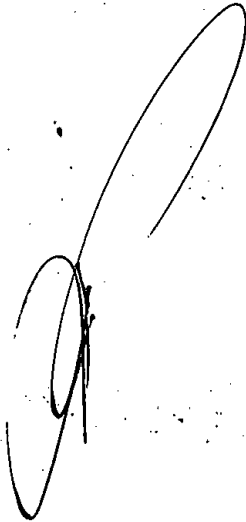
Second entry wound was seen on left nipple of about 1.5 cm and exit wound was seen on back side just below right scapula of about 2.5 cm.

Third entry wound was seen in epigastria region of about 1 cm and exit wound in left illic region of about 3 cm.

II - Cranium and Spinal Cord: Healthy

III – Thorax: Left lung, entry wound in left nipple about 1.5 cm.

Blood vessel: Major blood vessel was found ruptured.



Haq Nawaz
District & Sessions Judge
Orakzai at Baber Mela

IV – Abdomen: Stomach and its contents:

Entry wound at epigastric region about 1 cm in size.

Large intestine and its contents: Exit wound in left illic region of about 3 cm.

V – Muscles, bones and joints: As mentioned in column of wounds.

Remarks by the Medical Officer:

- 03 gunshot wound in left infra clavicular region, left nipple and epigastria region.
- 02 gunshot wound on back in between scapula and below right scapula.
- 01 gunshot wound in left illic region.

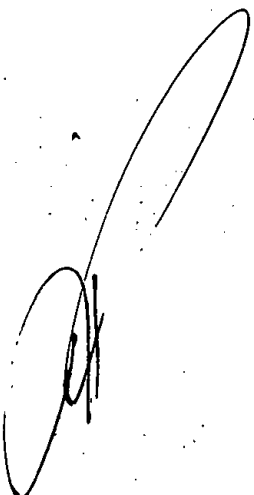
Probable time:

- (i) **Between injury and death:** About 02 to 03 hours.
- (ii) **Between death and post mortem:** 07 to 08 hours approximately.

The PW-6 produced the post-mortem report as Ex. PM.

VII. Muhammad Hanif IO appeared before the Court as PW-7. He stated that investigation of the case was entrusted to him, but he could not proceed to the spot at that time due to late hours and the spot being in far-flung area. He

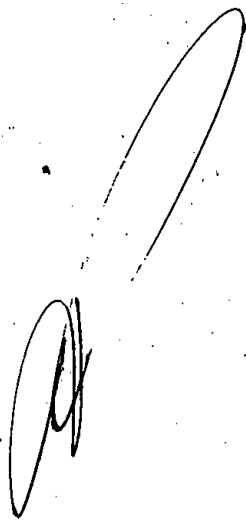
received blood-stained garments of the deceased from constable Muhammad Janan which was sealed by him into parcel No. 2, Ex. P1. He took it into possession vide recovery memo Ex. PW 7/1. He visited the spot on 19.07.2025 and prepared site plan Ex. PW 7/2. The IO took into possession blood through cotton from the place of deceased vide recovery memo Ex. PW 7/3 in presence of the marginal witnesses which was packed and sealed by him into parcel No. 3. He produced the accused before the Judicial Magistrate vide application Ex. PW 7/4 for obtaining physical custody which was allowed and two days custody was granted. The PW prepared the list of LRs of the deceased which is Ex. PW 7/5. The IO interrogated the accused who led him to the spot and made pointation through pointation memo Ex. PW 7/7. The IO made additions in the site plan with red ink which is Ex. PW 7/6. The PW recovered crime weapon on pointation of the accused from his house and prepared recovery sketch Ex. PW 7/8. He took it into possession vide recovery memo Ex. PW 7/9 and sealed it into parcel No. 4, Ex.



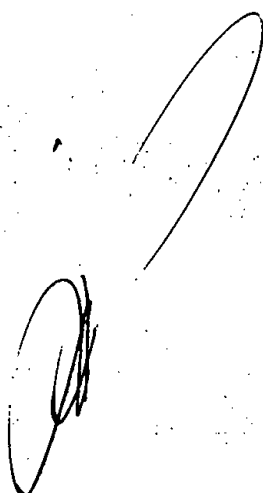
Haq Nawaz
District & Sessions Judge
Orakzai at Baher Mela

P2. He issued Parwana Ex. PW 7/10 for addition of Section 15AA against the accused. He again produced the accused before the Court of Judicial Magistrate on 21.07.2025 vide application Ex. PW 7/11 for recording his confessional statement, but the accused refused to confess his guilt and was sent to judicial lock-up. The IO sent parcels No. 1 to 4 to FSL along with route permits Ex. PW 7/12 and Ex. PW 7/13 through constable Muhammad Riaz on 21.07.2025. The FSL reports, regarding blood-stained articles and crime weapon, were placed on file by the IO which are Ex. PW 7/14 and Ex. PW 7/15. The IO placed on file copy of the FIR No. 550, Dated 18.07.2025 of Police Station Hangu u/s 324/427/34 PPC registered against the accused which is Ex. PW 7/16. The IO also placed on file statement of Mst. Bibi Salma along with other documents as Ex. PW 7/17. He recorded the statements of PWs and handed over the case file to SHO for submission of complete challan.

VIII. Constable Muhammad Riaz appeared before the Court as PW-8. He deposed that he was present with the IO in the police station on


Haq Nawaz
District & Sessions Judge
Orakzai at Baber Mela

18.07.2025 when Muhammad Janan brought blood-stained garments of the deceased and handed it over to the IO. The IO took it into possession vide recovery memo Ex. PW 7/1 and sealed the same into parcel No. 2. The PW visited the spot with the IO on 19.07.2025 where the IO recovered blood through cotton from the place of deceased through recovery memo Ex. PW 7/3 and sealed the same into parcel No. 3. He also visited the spot with the IO who was led by the accused to the place of occurrence where he made pointation vide pointation memo Ex. PW 7/7. The PW witnessed the recovery of crime weapon i.e., 7.62 bore rifle, at the instance of accused which was taken into possession by the IO vide recovery memo Ex. PW 7/9 and sealed into parcel No. 4. The PW received parcels No. 1 to 4 along with route permit and application from the IO and took the same to FSL on 21.07.2025. His statement was recorded u/s 161 CrPC.



Haq Nawaz
District & Sessions Judge
Orakzai at Baber Mela

IX. Constable Muhammad Shafiq appeared before the Court as PW-9. He stated that he was present with ASHO Amir Khan at DHQ

Hospital Mishti Mela. The PW made videography of the accused at the time of making report. The ASHO converted the same into a USB and sealed it into parcel No. 1 by affixing monogram of 'AK'. It was taken into possession through recovery memo Ex. PW 2/2 in presence of the PW. He took the Murasila and other documents from ASHO and handed over to Moharrir Ihsan Ullah in the police station. His statements were recorded by the IO u/s 161 CrPC.

4. After completion of prosecution's evidence, statement of the accused was recorded u/s 342 Cr.P.C. The accused claimed innocence; however, he neither wished to be examined on oath nor opted to produce any evidence in defence. I have heard learned Sr. PP and counsel for the accused.

5. The learned Sr. PP submitted that the complainant turned accused has admitted the motive behind the occurrence. The deceased was taken out from Dar Ul Aman to the house of accused on assurance after her taking shelter over there. The recovery of crime weapon on the pointation of accused connects him with the commission of offence. He submitted that the prosecution has



Haq Nawaz
District & Sessions Judge
Orakzai at Baber Mela

successfully established the charge against the accused.

He, therefore, requested for conviction of the accused.

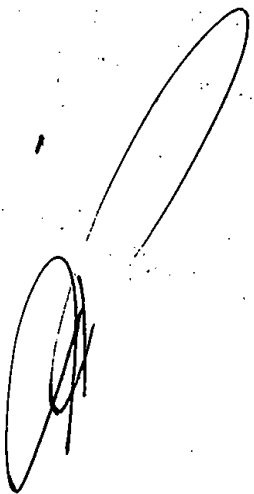
6. On the other hand, the learned defence counsel submitted that there is delay of more than six hours in lodging the report. The report lodged by the accused himself is inadmissible in evidence under the Qanun-e-Shahadat Order, 1984. The dead body was brought to hospital by police officials as stated by PW-3. He referred to the statement of Medical Officer/PW-6 and submitted that the post-mortem examination was conducted at 07:00 pm with the probable time between death and post-mortem as 07 to 08 hours with probable time between injury and death as 02 to 03 hours; hence, the medical evidence does not support the time of occurrence as alleged in the FIR. He further submitted that no empties were recovered from the spot. The pointation memo was illegally thumb impressed from the accused and there was no private witness to have seen the recovery proceedings. The parcel having blood, allegedly recovered from the spot, was not produced before the Court. The accused has been acquitted from the charges levelled against him at Police Station City, Hangu for causing injury to one Zubair. The IO did not collect CDR about the information received by the accused regarding the incident taken place at Hangu. He, therefore, submitted that the prosecution's case is full



Haq Nawaz
District & Sessions Judge
Orakzai at Mishti Mela

of doubts; therefore, the accused be acquitted from the charges levelled against him.

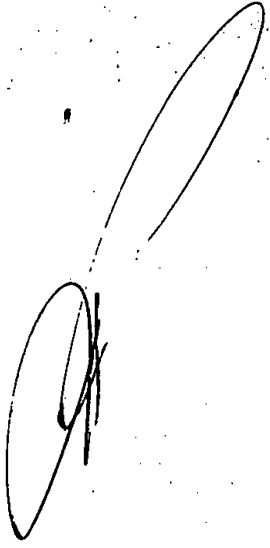
7. After hearing both the parties and perusal of the record, it was found that the unfortunate incident was reportedly taken place inside the house of complainant turned accused on 18.07.2025 at 1200 hours. The matter was reported by the accused himself to the local police and his statement/report was saved in a videography which was converted into a USB and packed and sealed into parcel No. 1. The Hon'ble Peshawar High Court, Peshawar in its judgment Dated 11.06.2024 passed in Cr. Appeal No. 424-P/2025 titled as Jahanzeb VS State held in a similar nature of case that; *"where an FIR is lodged by the accused himself, only the incriminatory or confessional portion there is liable to be excluded, whereas the remaining non-confessional part may still be looked into for such purposes as are legally permissible"*. In the present case, the fact about motive behind the occurrence i.e., murder of the deceased on the pretext of honour for having relationship with one Zubair, as mentioned in the report Ex. PW 2/1, made by the accused himself, is corroborated by the Court order dated 15.04.2023, produced by the IO before the Court as Ex. PW 7/17. According to the said order, the deceased was produced before the Court of Judicial Magistrate, Tehsil Courts


Haq Nawaz
District & Sessions Judge
Quakzai at Baber Mela

118

STATE VS MUHAMMADI HAQ
FIR No. 60, Dated 18.07.2025, u/s 302/311 PPC
Police Station: Mishti Mela

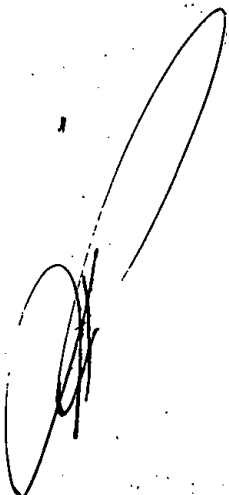
Kalaya by the local police on 15.04.2023. She recorded her statement that she is a sui juris and she had relations with one Zubair, her co-villager. She wanted to marry him but her family members were reluctant and not willing for her marriage with the said Zubair. She apprehended danger to her life from her parents; therefore, she requested to be sent to Dar Ul Aman. The Court accordingly sent her to Dar Ul Aman on the same day. Later on, the deceased was summoned by the Court on 29.05.2023 on the application of accused and was allowed to go with the accused/father after his assurance that the deceased would be in complete safety and security in his house. The release order dated 29.05.2023 was also produced before the Court by the IO as Ex. PW 7/X1. Another relevant fact, as mentioned in the present FIR, regarding receipt of information by the complainant turned accused at 1150 hours on the day of occurrence, about suspected murder of said Zubair at District Hangu, was also corroborated by the registration of FIR No. 550, Dated 18.07.2025 registered at Police Station City at Hangu u/s 324/427/34 PPC, produced by the IO as Ex. PW 7/17. The said incident was taken place at 08:05 am in which the present accused along with another accused were charged for the commission of offence. The learned defence counsel produced attested copy of the Order



Haq Nawaz
District & Sessions Judge
Orakzai at Baber

Dated 11.07.2026 passed by the Court of Senior Civil Judge, Hangu in the said Case No. 305/2-P of 2025, according to which the accused was acquitted on the basis of compromise. Hence, motive behind the occurrence of honour killing has sufficiently been proved.

8. The Medical Officer, in his statement before the Court, submitted that the deceased received a total of six injuries on her body resulting into her unnatural death as evident from the post-mortem report Ex. PM. The accused, being the father of deceased and admittedly residing in the same house, was clearly in a position to have knowledge of the occurrence. Despite such knowledge, there was unexplained delay of six hours or 08 to 09 hours, to count the probable time between injury and death, in reporting the matter to the police or taking any immediate steps to disclose the incident or seek medical assistance by the accused/father of the deceased. This conduct assumes considerable significance in the chain of circumstances. The unnatural silence maintained by the accused for a substantial period of time after the occurrence, coupled with his subsequent approach to the police station and the surrounding facts, create a strong inference of his involvement in the occurrence. The law recognizes that the conduct of an accused both before and after the incident is a relevant circumstance under Article 21 of the



Haq Nawaz
District & Sessions Judge
Orakzai at Baber Mela

Qanun-e-Shahadat Order, 1984. In cases resting on circumstantial evidence, post occurrence conduct often provides a valuable lens through which the truthfulness of the prosecution's version be assisted. In the present case, the accused remained unnaturally silent despite being in a position of close proximity to the occurrence and his presence in hospital with the dead body, but he failed to offer any plausible explanation for his silence about delay in lodging the FIR or seeking medical assistance to the deceased, the Court is entitled to take such conduct into consideration while evaluating the chain of circumstances and it can safely be inferred that the accused was involved in the commission of offence. Reliance is placed on the above-mentioned judgement of the Hon'ble Peshawar High Court, Peshawar.

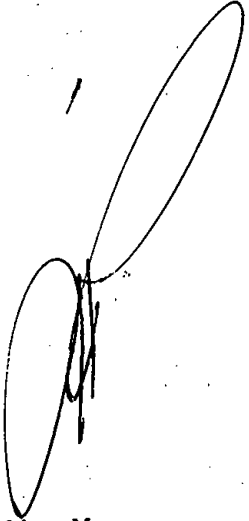
Haq Nawaz
District & Sessions Judge
Qarkzai at Baber Mela

9. The blood-stained garments of the deceased were taken into possession by the IO vide recovery memo Ex. PW 7/1 which were packed and sealed into parcel No. 2. Similarly, blood-stained earth was recovered from the place of occurrence through recovery memo Ex. PW 7/3 which was packed and sealed into parcel No. 3. According to FSL report Ex. PW 7/14, both the blood-stains in parcel No. 2 and parcel No. 3 was human blood of the same group. The accused, during the course of interrogation, has also made pointation of the place of occurrence and

additions were made accordingly with red ink which is Ex. PW 7/6 in the site plan Ex. PW 7/2. The weapon of offence was also recovered on the pointation of accused from point No. 2 of the site plan vide sketch of recovery Ex. PW 7/8 from inside the house of accused. According to FSL report Ex. PW 7/15, the weapon in question was that of 7.62 mm bore and proper working order in its present condition.

10. All the PWs deposed in support of the prosecution's case. They were subjected to sufficient cross examination, but nothing in contradiction to the benefit of accused could be brought on record.

11. The above circumstances suggest that the deceased Bibi Salma was done to death by the accused/father Muhammadi Haq on the pretext of honour as the prosecution remained successful to establish their allegations against the accused through sufficient and confidence inspiring evidence. The accused **Muhammadi Haq** S/O Gulmat Khan, Caste Sheikhan, Umarzai, District Orakzai, is, therefore, convicted u/s 302-B read with section 311 PPC to undergo rigorous imprisonment for life with the benefit of Section 382-B CrPC. He shall pay an amount of Rs. 10 lacs as compensation to the legal heirs of deceased Mst. Bibi Salma in terms of Section 544-A CrPC. In default of payment of compensation, the



Haq Nawaz

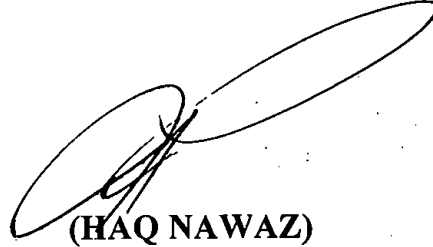
District Judge
Orakzai

122

STATE VS MUHAMMADI HAQ
FIR No. 60, Dated 18.07.2025, u/s 302/311 PPC
Police Station: Mishti Mela

convict shall undergo simple imprisonment for a period of six (06) months. The case property be destroyed after the period provided for appeal/revision. Copy of the judgment is provided to the accused free of cost. File of this Court be consigned to record after its necessary completion and compilation.

Announced:
24.08.2026

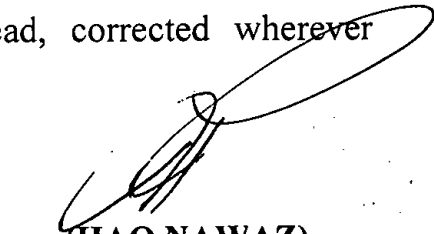


(HAQ NAWAZ)
Sessions Judge, Orakzai,
at Baber Mela

CERTIFICATE

Certified that this judgment consists of eighteen (18) pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 24.08.2026



(HAQ NAWAZ)
Sessions Judge, Orakzai,
at Baber Mela