

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2438 of 2025

Abdul Khalique son of Muhammad Shireen.....Applicant/Accused

Versus

The State.....Respondent

Date of Hearing : 17.10.2025

Date of Short Order : 17.10.2025

For the Applicant : Mr. Muhammad Adeel Meo, Advocate

For the complainant : Mr. Saifullah Afridi, Advocate

For the State : Ms. Rubina Qadir, D.P.G.

—

ORDER

TASNEEM SULTANA, J: Through this Criminal Bail Application, the applicant Abdul Khaliq s/o Muhammad Shireen seeks post-arrest bail in Crime No.224 of 2025 registered at Police Station Kalari, Karachi, under Sections 334 and 337-A(i) PPC.

2. Brief facts of the prosecution case are that the complainant Muhammad Abdul Razaq s/o Muhammad Shireen appeared at Police Station Kalari and reported that on 07.07.2025, his minor daughter Manahil, aged about 12/13 years, while returning home after bringing juice, reached the first floor of the building where her uncle Abdul Khaliq saw her and started beating her; as a result, she fell down on the stairs and her mouth hit the steps, causing injury on her cheek and breaking one of her teeth. The complainant stated that he brought his daughter for medical examination and sought a medico-legal letter. Upon examination, the injury was declared as Itlaf-i-Tooth and Shajjah-i-Khafifah. Consequently, FIR No.224 of 2025 was registered against the present applicant under Sections 334 and 337-A(i) PPC.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated due to a property dispute with his brother, the complainant; that there is an unexplained delay of about one month in lodging the FIR; that the alleged incident is domestic in nature and does not attract the prohibitory clause; that

the loss of a tooth does not constitute Itlaf-i-Udw within the meaning of Section 334 PPC and, at the most, the case falls under Section 337-U PPC which is bailable; that the applicant, being a 55-year-old man with no previous criminal record, is entitled to the benefit of further inquiry under Section 497(2) Cr.P.C. and seeks his release on bail.

4. Conversely, learned DDPP, assisted by learned counsel for the complainant, opposed the bail plea, contending that the applicant is specifically named in the FIR with a direct role of subjecting the minor victim to physical violence resulting in the breaking of her tooth; that the medical evidence fully supports the ocular account; that the MLO has categorically declared the injury as Itlaf-i-Tooth, punishable under Section 334 PPC which is non-bailable; that the delay in registration of FIR stands adequately explained as the incident was promptly reported, medical examination was conducted on 08.07.2025, and the FIR was lodged upon receipt of the final medical report; and that the plea of enmity is an afterthought which cannot displace direct and corroborated medical evidence.

5. On a tentative appraisal of the material placed before the Court, it transpires from the FIR that the applicant, being the paternal uncle of the minor victim, is specifically alleged to have subjected her to physical beating, as a consequence whereof she sustained injuries resulting in the loss of one tooth. The medico-legal certificate as well as the final supplementary report unequivocally classify the injury as Itlaf-i-Tooth. Medical jurisprudence recognizes that a tooth is an ectodermal specialized organ forming an integral part of the human anatomical system, and its permanent loss amounts to Itlaf-i-Udw within the contemplation of law. Section 334 PPC prescribes punishment for Itlaf-i-Udw, while Section 337-U PPC specifically enumerates the loss of a tooth (Itlaf-i-Sanan) as punishable with Arsh equal to one-twentieth of Diyat and, where Qisas is not executable, with imprisonment by way of Ta'zir.

6. Read conjointly with Sections 333 to 336 PPC, which collectively classify the destruction or permanent impairment of any organ as non-bailable hurt, the alleged act prima facie falls within the ambit of a serious bodily offence carrying penal consequences under Section 334 PPC.

7. For clarity, Section 334 PPC defines Itlaf-i-Udw as the act of dismembering, amputating, severing, disfiguring, or rendering useless any limb or organ of a person, punishable with Qisas, or where Qisas is not enforceable, with Arsh and Ta'zir. Section 335 PPC defines Itlaf-i-Salahiyyat-i-Udw as the permanent impairment of the functioning or capacity of an organ without disfiguring it, likewise punishable with Arsh and Ta'zir. Section 336 PPC deals with Itlaf-i-Udwan-Mutadaddidah, meaning destruction or permanent impairment of more than one organ, punishable with Qisas, or in the alternative, Arsh and Ta'zir. Section 337 PPC defines hurt as causing pain, harm, disease, infirmity or injury to any person or impairment of any organ or part thereof without causing Itlaf-i-Udw, and Section 337-U PPC provides that whoever breaks or knocks out a tooth of any person commits Itlaf-i-Sanan, liable to Arsh equal to one-twentieth of Diyat and Ta'zir imprisonment up to one year.

8. The combined effect of these provisions is that every act resulting in the destruction or permanent loss of any organ, however minor, constitutes Itlaf-i-Udw and is, therefore, non-bailable. In the present case, the medical evidence clearly declares the injury as Itlaf-i-Tooth, confirming destruction of an organ within the meaning of Section 334 read with Section 337-U PPC. The allegation in the FIR attributes a direct and specific role to the applicant in causing this injury to his minor niece. Such attribution, corroborated by medical evidence, prima facie establishes the ingredients of Itlaf-i-Udw. The plea that the occurrence arose from a domestic quarrel or that it warrants further inquiry carries no weight once the nature of injury is found to be permanent and its classification statutorily recognized as non-bailable hurt.

9. The ratio laid down in *Sajjad Ahmed v. The State* (2024 YLR 1321 supra) further reinforces this interpretation. It was held therein that where medical evidence establishes destruction or permanent loss of any organ including a tooth the offence squarely falls within the purview of Section 334 PPC, and the concession of bail cannot be extended on the ground of family relationship or alleged malice. The principle enunciated in the supra case law fully applies to the present case.

10. In view of the foregoing discussion, prima facie sufficient material exists connecting the applicant with the commission of the alleged offence, which being non-bailable in nature, disentitles him to the concession of post-arrest bail under Section 497 Cr.P.C.

11. In view of the above facts and circumstances, the bail application merits no consideration, therefore, the same was accordingly dismissed by a short order dated 17.10.2025 and these are the reasons for the same. The observations contained herein are purely tentative and shall not prejudice either party at the trial.

JUDGE

Ayaz Gul