

Supreme Court of India: ‘Avoiding Trial itself is Punishment’; Grants bail to Undertrial Prisoner and quotes statement of Oscar Wilde while in incarceration.

In a case where the petitioner was an accused in custody since 2020, the bench in the Supreme Court comprising Justices Hrishikesh Roy and R. Mahadevan held that the accused is entitled to the Right to a fair and speedy trial, which is an inalienable right under Article 21 of the Constitution as pronounced by the Apex Court in *Hussainara Khatoon v. Home Secretary, State of Bihar (1980)*.

The petitioner has been an accused in a murder case since 2020 and the High Court recently rejected his bail application, ordering the trial court to complete the trial within 5 months. With the 5-month period ending, the Apex Court noted that the examination of 17 more prosecution witnesses was pending and 6 co-accused were already granted bail.

The Court highlighted that the unwarranted delay in trial infringes the right of the accused under Article 21, given the presumption of innocence persisting as per law and granted bail to the accused.

It cited the statement coined by Oscar Wilde while he was incarcerated:

*“I know not whether Laws be right,
Or whether Laws be wrong;
All that we know who be in jail
Is that the wall is strong;
And that each day is like a year,
A year whose days are long.”*

References:

1. <https://www.livelaw.in/top-stories/to-avoid-trial-process-itself-being-the-punishment-supreme-court-grants-bail-to-undertrial-reaffirms-right-to-speedy-trial-269175>

**CASE NAME: BALWINDER SINGH v. STATE OF PUNJAB (2024)
2024 LiveLaw (SC) 680**

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