

---

CANADA / JUDGMENT

## R. v. Chahal and Dillon

2006 BCSC 452

---

COURT

Supreme Court of British Columbia

DECIDED

3 March 2006

Source: bccourts.ca · Research copy typeset by Esheria. Not court-issued or certified.

---

2006 BCSC 452err1 R. v. Chahal and Dillon

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: R. v. Chahal and Dillon

2006 BCSC 452

Date: 20060303

Docket: 49302-4

Registry: Chilliwack

Regina

v.

Ranjeet Chahal and Kuldeep Singh Dillon

Ban on Publication, Section 539(1) of the Criminal Code

Before: The Honourable Justice Grist

Oral Reasons for Sentence

March 3, 2006

Counsel for the Crown

C. Kramer, L. Kenworthy

Counsel for the Accused Chahal

P. McMurray

Counsel for the Accused Dillon

J. Heller

Place of Trial/Hearing:

Chilliwack, B.C.

- [1] THE COURT: The accused were convicted of attempted murder, aggravated assault, criminal negligence causing bodily harm, aggravated sexual assault, assault with a weapon, and unlawful confinement following a trial by jury. Counsel agree that a stay should be entered to the counts charging aggravated assault and criminal negligence causing bodily harm, in light of the convictions for attempted murder on the Kienapple principle. I agree with that disposition of those charges.
- [2] The evidence heard at this trial indicated that at the time of the offences the two accused and the victim, Mr. McIntyre, lived together in a house on a rural property on Fraser Highway near Abbotsford. McIntyre and Chahal had been friends for a number of years and had both worked at a local manufacturing plant. Each of them became involved in drugs. Mr. Chahal became a trafficker in cocaine. Mr. McIntyre became a user of crack cocaine and grew marihuana to provide himself with an income.
- [3] Mr. Dillon is Mr. Chahal's brother-in-law. He is an older man than either Chahal or McIntyre, and became associated with Mr. Chahal on a return to Canada from a visit to India. He took up residence with Mr. Chahal and soon became addicted to crack cocaine supplied by his brother-in-law.
- [4] Initially only Mr. McIntyre lived at the Fraser Highway property, but by January 2004 Chahal and Dillon had also moved onto the premises.
- [5] The events leading to the offences began with Mr. McIntyre being given some money by Chahal to buy some supplies for a grow-op he and Chahal had set up in the basement of the house. Mr. McIntyre used the money, and further sums he received from pawning some of Mr. Chahal's goods, to buy crack cocaine.
- [6] On his return to the house on the 16th of January 2004, after a day-and-a-half of using cocaine, he was assaulted by Chahal and Dillon and severely beaten. The two took turns in this, using their fists, feet and a wooden piece of horse harness. Through this, and at times in the subsequent assaults on Mr. McIntyre, he was bound with an antenna cord and a piece of rope.
- [7] After the first beating McIntyre was left in the living room and he and the other occupants, Chahal, Dillon, and a young woman, Holly Cooper, slept for a number of hours through the afternoon of that day.

- [8] In the evening Chahal obtained some alcohol, which he drank to fortify himself for a further beating of Mr. McIntyre. The assaults became more vicious. At one point Chahal and Dillon took a stick covered with curry powder and applied it to open wounds on Mr. McIntyre's body and attempted to put it up his rectum. Later Chahal took a small butane torch used to light crack cocaine and used it to burn Mr. McIntyre's penis. This form of torture was repeated several times.
- [9] The assaults culminated with Chahal directing Holly Cooper to bring him a bottle of gasoline from an adjoining room. He poured the gasoline on McIntyre and told him that with one poof he would be gone. At this point Dillon produced a lighter. He waved it in the vicinity of McIntyre, as he lay on the floor, and ignited the gasoline. McIntyre was immediately engulfed in flames. He suffered serious burns over 70 percent of his body. The flames prompted Chahal and Dillon to put out the fire with a blanket and some water. Following this Mr. McIntyre was taken into the bathroom where, primarily through the actions of Holly Cooper, he was put under water from a shower head.
- [10] Notwithstanding the serious burns to most of his body, and despite the urging of Ms. Cooper, neither of the accused took any timely action to get emergency care for Mr. McIntyre. Finally, after a number of hours they contacted a friend of Mr. McIntyre, who came to the property and took Chahal and McIntyre to the Langley Hospital. Chahal directed McIntyre to say that he had been burned when using gasoline while fixing a car or while starting a bonfire.
- [11] McIntyre was taken from Langley to the Vancouver General Hospital Burn Unit. He was kept in an induced coma for approximately three months. He has subsequently undergone numerous skin grafts and operations to allow some use of his badly-burned hands and arms. He is badly scarred over the front of his body from below his mouth to his knees. His hands are now misshapen and one thumb is pinned in place. Both arms have required operations to restore some motion to his shoulders and elbows. He has undergone numerous skin grafts, including skin grafts applied to his penis. More will be required over a number of years.
- [12] The accused fled the Abbotsford area and were eventually arrested trying to enter the United States at a location in North Dakota.
- [13] Through the course of the assault Mr. Chahal instigated the successively more tortuous conduct. He was joined in this by Dillon, who provided encouragement, joined in the physical assaults, obtained the curry powder and ultimately lit the gasoline.
- [14] It is clear from the jury's verdict that they accepted the Crown's submission that on lighting the gasoline the two accused had escalated their intent to an attempt to kill Mr. McIntyre, notwithstanding that they subsequently took action to put out the fire, with Mr. Dillon himself receiving some burns in the process.

- [15] Chahal and Dillon are both landed immigrants. Mr. Chahal is 29 years of age and Mr. Dillon is 45. Both grew up in New Delhi. Their families were relatively well off and both were educated beyond high school. Mr. Dillon first came to Canada in 1983, Mr. Chahal in 1998. Mr. Dillon for a time was successful in running a janitorial business, but lost interest in continuing his business after a failed marriage.
- [16] Mr. Chahal has no previous convictions, but was convicted of trafficking in cocaine and received a sentence of six months imprisonment following these offences. This charge was before the courts at the time of these offences and the six months served in respect of the trafficking offence lowers the predisposition time served to 19 months.
- [17] Mr. Dillon has dated convictions for motor vehicle offences and a common assault conviction in 1990. He was also convicted of uttering threats in 2000. This related to a marital separation.
- [18] Both of the offenders are subject to a deportation order without right to appeal as a result of their convictions.
- [19] The Crown argues for a total sentence in respect of each offender of 20 years to life imprisonment and an order of parole ineligibility amounting to one-half of the sentence imposed to a maximum of 10 years.
- [20] The defence suggests an aggregate sentence of ten years, less credit for time served.
- [21] It is clear that the prolonged tortuous assaults on Mr. McIntyre and the life-altering consequences of the devastating burn injuries require a sentence that stresses denunciation and deterrence. It must be seen within the context of sentences imposed for similarly egregious cases as proportionate to the gravity of the offence and the degree of responsibility of the offender.
- [22] It is difficult to distinguish circumstances between this case and others which have even greater severity of consequences, or which involve more incorrigible offenders, without seeming to downgrade the terrible consequences of this case.
- [23] I also have to be careful in dealing with the attempted murder charge and comparing standards of many of the cases cited which dealt with convictions for aggravated assault, which has a maximum sentence on conviction of 14 years. Attempted murder involves the added element of actual intention to kill. The maximum sentence is life imprisonment.
- [24] *R. v. Cheddesingh* (2002) 60 OR (3d) 721, cited by the Crown in support of a life sentence, involved death of the victim, giving rise to a manslaughter conviction. There the victim died as a consequence of actions that nearly amounted to murder.

- [25] In *R. v. Horvath* (1982) 2 CCC (3d) 196 and *R. v. Mesgun* (1997) 121 CCC (3d) 439, the actions motivated by murderous intent extended over longer periods of time and were accompanied by aspects of premeditation. In *Horvath* the offender had a psychological propensity to violence and an unlikely prospect of release without extreme danger to the public.
- [26] The cases I found most closely applicable to the circumstances here were *R. v. Klair* (2004) 186 CCC (3d) 285 and *R. v. Phillips* [2001] OJ No. 2004. *Klair* was a case decided by the Ontario Court of Appeal and *Phillips* was a case before the Ontario Supreme Court of Justice. In *Klair* the accused had set fire to a house containing his four-year-old grandson, whom he was babysitting. The boy suffered devastating injuries, in many respects similar to those suffered by Mr. McIntyre. The case involves harm to a child who was in the care of the offender, an aggravating circumstance. The offender was sentenced on appeal to 12 years incarceration. The case was on conviction for arson causing bodily harm, which does not require proof of an actual intention to kill, which is incumbent in the charge here, and so is an offence having a degree less in severity of consequence.
- [27] *Phillips* is a case of an attempted murder during the course of a robbery. The victim was doused in gasoline and set on fire. He suffered third-degree burns to 40 percent of his body. There the offender had 19 previous convictions, including three previous assaults. The sentence imposed for attempted murder was 15 years.
- [28] Here, although the serious nature of the offence requires consideration of a sentence within the upper range, the offenders do not present the same criminal background or incorrigible prospects as seen in other cases. Although it is clear they intended to torture their victim for the theft of monies, the actual intention to kill was momentary.
- [29] On consideration of these factors I impose in each case a sentence of 14 years for the attempted murder convictions.
- [30] The conviction for aggravated sexual assault relates to the burning of the victim's penis with a torch. I impose seven years concurrent in the case of Mr. Chahal, five years concurrent in the case of Mr. Dillon. The difference is in a differing degree of responsibility for this aspect of what was done to the victim through the events founding this charge.
- [31] The assault with a weapon relates to the use of the curry-covered stick. In relation to this charge and the unlawful confinement in each case for each offender I impose a concurrent sentence of one year.
- [32] Mr. Dillon will be credited for 50 months in respect of time served, leaving nine years, ten months to be served.
- [33] Mr. Chahal will be credited for 38 months in respect of time served, leaving ten years, ten months to be served.

- [34] In my view there is sufficient denunciation and deterrence in what I have imposed by way of this sentence that a further order of parole ineligibility is not required. I note that such an order might have the effect of delaying the deportation of the offenders, which I conclude is the likely consequence upon release from incarceration, should either qualify for parole.
- [35] There will be a lifetime ban from either accused possessing any of the weapons indicated in s. 109 of the Criminal Code.
- [36] Each will be required to provide a DNA sample and I order that each be subject to a lifetime registration in the Sexual Offender Registry.
- [37] The victim surcharge will be waived.

"W.G. Grist, J."

The Honourable Mr. Justice W.G. Grist

April 3, 2006 - Revised Judgment

On page 2, paragraph 3, last sentence should read:

" He took up residence with Mr. Chahal and soon became addicted to crack cocaine supplied by his brother-in-law."

---

### Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

**ORIGINAL SOURCE**      <https://www.bccourts.ca/jdb-txt/sc/06/04/2006bcsc0452err1.htm>

**CASE PAGE**              <https://chat.esheria.ai/case-law/canada/r-v-chahal-and-dillon-2006>

Prepared on 29 October 2026 · Esheria