

CANADA / JUDGMENT

R. v. Singh

2024 BCSC 1869

COURT

Supreme Court of British Columbia

DECIDED

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2024 BCSC 1869 R. v. Singh

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Singh,

2024 BCSC 1869

Date: 20241009

Docket: X083240-9

Registry: New Westminster

Rex

v.

Harpreet Singh

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Before: The Honourable Madam Justice Devlin

Oral Reasons for Sentence

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Place and Date of Hearing

(Guilty Pleas):

New Westminster, B.C.

September 6, 2024

Place and Date of Submissions on Sentencing:

New Westminster, B.C.

October 3, 2024

Place and Date of Sentence:

New Westminster, B.C.

October 9, 2024

THE COURT: This decision was delivered in the form of Oral Reasons. The Reasons have since been edited for distribution to counsel.

Introduction

[1] An immense tragedy unfolded in the Singh household on October 20, 2020, in Surrey, BC. Disagreements among family members tragically culminated in the stabbing death of Baljit Kaur at the hands of her brother-in-law, Harpreet Singh. In the course of this attack, Mr. Singh also inflicted serious stabbing injuries on his then two-year-old niece, M.K., and his elderly father, Jagjit Singh.

[2] Mr. Singh is before the court for sentencing in connection with this incident. In particular, on September 6, 2024, Mr. Singh pleaded guilty to the following three counts:

- Count 1: The manslaughter of Baljit Kaur, contrary to s. 236(b) of the Criminal Code, R.S.C. 1985, c. C-46 [Code];
- Count 2: The aggravated assault of Jagjit Singh, contrary to s. 268(2) of the Code; and
- Count 3: The aggravated assault of M.K., contrary to s. 268(2) of the Code.

[3] Counsel for Mr. Singh and the Crown agree that two-year sentences are appropriate in relation to Count 2 and Count 3. It is common ground that those sentences ought to be served concurrently to the sentence imposed for Count 1. There are also a number of ancillary orders that must be imposed in the circumstances, which are similarly uncontroversial.

- [4] The parties diverge on the appropriate sentence to be imposed for the manslaughter of Baljit. The Crown submits that a sentence of 12 years' imprisonment is appropriate, taking into account various aggravating and mitigating factors. The defence submit that an appropriate sentence in the circumstances would not exceed 8 years' imprisonment.
- [5] I will begin by setting out the circumstances of the offence, largely on the basis of an Agreed Statement of Facts ("ASF"). I will then canvass the positions of the parties, before turning to the principles which govern the imposition of Mr. Singh's sentence and conducting my analysis.
- [6] I note, as I have done in this introduction, that I will refer to some of the parties involved in this case by their first names. I do so to avoid confusion, particularly because many of these individuals are relatives who share surnames. I intend them no disrespect.

Circumstances of the Offences

- [7] The circumstances of the offences are set out in the ASF, prepared by the parties for the purpose of Mr. Singh's sentencing. Crown counsel read the ASF into the record on September 6, 2024, when Mr. Singh entered his guilty pleas. In what follows, I provide a summary of the ASF.
- [8] At the time of the offences, Mr. Singh resided in a multi-story home located at 10-12738 66 Avenue, Surrey, BC (the "Residence"). Mr. Singh shared the Residence with the following family members:
- Narinder Singh (his older brother);
 - Baljit Kaur (his sister-in-law);
 - M.K. (his niece);
 - Jagjit Singh (his father); and
 - Surinder Kaur (his mother).
- [9] On the morning of October 20, 2020, Jagjit spoke to Surinder about her wearing dirty socks in the living room. Mr. Singh asked Jagjit why he was speaking to Surinder so loudly, and soon thereafter Mr. Singh left for work. Later that day, when Mr. Singh returned to the Residence he confronted his father Jagjit about yelling at his mother Surinder. The two men argued in the Residence's living room, and Mr. Singh pushed Jagjit.
- [10] At around the time of this argument (approximately 8:00 or 8:30 p.m.), Narinder, Baljit, and M.K. returned to the Residence after having gone grocery shopping. Mr. Singh helped bring the groceries into the Residence. Narinder then left to find parking, and Mr. Singh went upstairs.

- [11] Baljit asked Jagjit what he and Mr. Singh had been arguing about. Baljit went upstairs, while carrying two-year-old M.K., and confronted Mr. Singh. Baljit then came back down the stairs, with M.K. still in her arms, and went to the living room, where Jagjit was sitting on the couch.
- [12] Mr. Singh grabbed a large kitchen knife upstairs, came back downstairs, entered the living room, and began stabbing Baljit. M.K. fell to the floor and began to cry. Mr. Singh continued to stab Baljit. Jagjit tried to grab Mr. Singh's arm and the knife to stop the attack on Baljit and was also stabbed by Mr. Singh.
- [13] Narinder returned to the Residence approximately seven to eight minutes after going to find parking. As he entered the Residence, Mr. Singh told Narinder something to the effect of "I did the job" and "call the police". Mr. Singh left the Residence while still holding the knife.
- [14] Mr. Singh then crossed 66 Avenue and walked north on 127A Street. When Mr. Singh got to the vicinity of the intersection with 67 Avenue, he approached a Mr. Brar, who was sitting in his car. Mr. Singh asked Mr. Brar to call 911 and said "domestic violence". Mr. Brar observed Mr. Singh holding a knife. Mr. Brar called 911. At 8:50 p.m., Constable Robert Jinda of the Royal Canadian Mounted Police was dispatched to the area.
- [15] Mr. Singh continued walking in the vicinity until he was stopped by Constable Jinda. Mr. Singh complied with Cst. Jinda's direction to stop and drop the knife. Cst. Jinda then placed Mr. Singh under arrest.
- [16] While this unfolded, Narinder also called 911 three times, in short succession. He and Jagjit tried to stop Baljit's bleeding. Emergency health services attended the Residence and transported both Jagjit and Baljit for medical care. Baljit died from her injuries.
- [17] Mr. Singh inflicted a number of injuries upon Baljit, Jagjit, and M.K. during the attack:
- Jagjit suffered a deep laceration to the left hip area, as well as lacerations to the right hand and left palm.
 - M.K. suffered a laceration to the back of her left thigh, which went through the superficial layers of muscle tissue, as well as a puncture wound to her left calf.
 - Baljit suffered numerous injuries to her head, shoulder, thigh, and abdomen. Among such injuries were: an incised wound that penetrated the scalp and left a mark on her skull; a stab wound to her left thigh which injured the femoral artery and vein; and stab wounds to her abdomen which perforated several internal organs. The multiple, sharp-force injuries inflicted upon Baljit by Mr. Singh were the cause of her death.

Circumstances of Mr. Singh

- [18] Mr. Singh's circumstances are known to the court from both submissions of his counsel and a psychiatric report prepared by Dr. Kulwant Riar, dated April 26, 2024. The parties agreed the report was admissible at the sentencing hearing.
- [19] Mr. Singh is 39 years old, and was 36 years old at the time of the offences. He has no criminal record. He completed his grade 12 education in India.
- [20] Mr. Singh immigrated to Canada in 2016, and is a permanent resident. He is a citizen of Australia and India. As a result of his offences, following the completion of the sentence imposed on him today, Mr. Singh will be deported from Canada pursuant to s. 36 of the Immigration and Refugee Protection Act, S.C. 2001, c. 27.
- [21] Before immigrating to Canada, Mr. Singh lived in Australia for 10 years. He reported to Dr. Riar that he experienced depression while living there. He also reported an incident in 2008 in which four strangers hit him on the head with an iron rod, and hit and kicked his face. He told Dr. Riar that he began experiencing anger after that attack, but that he would not express his anger "outside".
- [22] On this point, Mr. Singh's issues with anger were known to his family prior to the offences. Narinder reported to Dr. Riar that Mr. Singh would anger easily while still living in India, that his anger worsened while in Australia, and that these issues persisted in Canada. Jagjit expressed a similar view in a statement he provided after the offences, which was filed as part of the defence's materials on sentencing. Jagjit stated that Mr. Singh "would get angry suddenly" and that in his "anger and rage he wouldn't watch what he is about to do or not". Jagjit also reported a previous incident in which Mr. Singh attacked Jagjit with an iron rod, but that with the assistance of Narinder the incident was resolved without police intervention.
- [23] Mr. Singh married in 2017. The marriage ended after a year and a half. In the lead-up to the offences, Mr. Singh and his family experienced financial hardship as a result of the divorce. Mr. Singh advised Dr. Riar that he would get into arguments with his father about the subject.
- [24] Mr. Singh has been in custody since his arrest on October 20, 2020. He completed several life skills courses while in custody, including ones relating to anger management, conflict resolution, and healthy relationships.
- [25] Mr. Singh reported to Dr. Riar that he heard auditory hallucinations on a number of occasions. He reported remembering hearing voices as early as 2018, during the breakdown of his marriage. He also reported hearing voices in the immediate lead-up to the offences, instructing him to kill Baljit. Mr. Singh told Dr. Riar that those specific voices ceased once he started stabbing Baljit.

- [26] To that end, Dr. Riar's report advises that during Mr. Singh's time in custody, a number of doctors entertained a diagnosis of unspecified psychosis. Mr. Singh was prescribed an antipsychotic medication for a time. In his own assessment of Mr. Singh, Dr. Riar opined that he does not suffer from a psychotic illness, or if he does that any such illness "likely has not played any part in the execution of the offence[s]". Mr. Singh no longer takes antipsychotic medication. He does take medications for a number of other health conditions, none of which relate to his mental health.
- [27] Finally, the court was provided letters in support of Mr. Singh, for consideration as part of his sentencing. The first is a letter from Dylan Martin, the Indigenous Cultural Liaison at the Surrey Pretrial Services Centre. Mr. Martin advises that Mr. Singh "has been an exceptional and dedicated participant in all Indigenous services and programs" offered at the pre-trial centre, and that his "consistent and active engagement in these programs" has had a positive impact on Mr. Singh's wellbeing and spiritual health. A similar letter was provided from the Life Skills supervisor at the Surrey Pretrial Services Centre. In addition, the president of the Guru Teg Bahadur Welfare Society provided a letter, advising that Mr. Singh started attending their Gurdwara in early 2020 and was well received by others.

Parties' Positions

- [28] As mentioned at the outset of these Reasons, the parties agree that concurrent sentences of two years' imprisonment are appropriate with respect to Counts 2 and 3. They diverge on the appropriate sentence to be imposed for the manslaughter of Baljit.

The Crown's Position

- [29] The Crown submits that the appropriate sentence for Count 1 is 12 years' imprisonment, less credit for time already served in custody.
- [30] The Crown identifies a number of aggravating factors that they say elevate Mr. Singh's moral blameworthiness, such that this case is one of "near murder". These include the following:
- Mr. Singh used a large knife in the commission of the offence.
 - The killing of Baljit was brutal in nature, including the fact that Baljit suffered multiple stab wounds to the head.
 - Mr. Singh was overcome by rage in the commission of the offence.
 - Baljit was defenceless when Mr. Singh attacked her.
 - Baljit was attacked in the presence of M.K. (a two-year-old child). Moreover, Baljit held M.K. in her arms when Mr. Singh attacked her, posing M.K. a serious risk of bodily harm. Mr. Singh persisted in his attack after M.K. fell to the floor and began to cry. The risk to M.K. was ultimately realized, with M.K. suffering serious injuries.

- Mr. Singh's attack on Baljit in the presence of Jagjit (an elderly and vulnerable man), posed a serious risk of bodily harm to Jagjit. That risk was likewise realized, with Jagjit suffering serious injuries.

- Mr. Singh attacked Baljit in her own home, where she should have felt safe.

- [31] The Crown further relies on the following statutory aggravating factors: that the offence was committed against a member of the offender's family (s. 718.2(a)(ii) of the Code); and that the offender, in committing the offence, abused a person under the age of eighteen, in relation to M.K. (s. 718.2(a)(ii.1) of the Code).
- [32] The Crown acknowledges a number of mitigating factors in this case. These include Mr. Singh's guilty plea, his lack of criminal record, and the immigration consequences he will face as a result of his offences.
- [33] However, the Crown suggests that a number of otherwise mitigating or neutral factors engaged in this case ought to be afforded less weight than in the usual course. For instance, the Crown submits that while Mr. Singh has no criminal record, he does have a history of family violence. They point to Jagjit's statement, in which he reports being previously attacked by Mr. Singh, as evidence of this history.
- [34] The Crown also submits that Mr. Singh cannot characterize his guilty pleas as "early". They note that this matter has been ongoing for nearly four years, during which time five separate trial dates were set and a number of pre-trial applications were argued.
- [35] The Crown likewise says that Mr. Singh cannot rely on remorse as a mitigating factor. They refer to Dr. Riar's report, in which he opines that while Mr. Singh takes responsibility for the offences he committed, he "justifies his actions". Indeed, Dr. Riar reports that during his interview with Mr. Singh, he "stated that he felt justified in doing what he had done, and he did not show any remorse or empathy towards the victim".
- [36] Finally, the Crown submits that Mr. Singh cannot rely on mental illness as a factor attenuating his culpability. They refer to Dr. Riar's opinion that Mr. Singh does not suffer from psychosis, or if he does that any such illness did not likely play a role in the commission of the offences.
- [37] Before turning to the submissions of counsel for Mr. Singh, I note that the court was not provided any victim impact statements to consider in sentencing Mr. Singh. However, the Crown advises that they have observed that Narinder has been emotionally impacted by the loss of his wife, and by what his brother is now going through. The Crown also advises that Baljit's father has stayed in Canada since the offences, awaiting the outcome of these proceedings. I note that Narinder, his mother, and Baljit's father were in attendance at the sentencing hearing. Despite this tragic event, I am advised that Mr. Singh's family remain supportive of him and are prepared to assist him upon his release.

[38] This Court does not need victim impact statements to appreciate the immense impact that Mr. Singh's offences have had on the Singh family, and on Baljit's loved ones. The sentence I impose today on Mr. Singh will not relieve their suffering, but I hope that it will afford them some measure of justice.

The Defence's Position

[39] Counsel for Mr. Singh submit that a fit sentence for Count 1 would not exceed eight years' imprisonment, less credit for time already served.

[40] The defence accept that Mr. Singh has a history of angering quickly, and that this history played a role in the offences. In light of Mr. Singh's anger issues, his counsel submit that the offences were, in effect, the consequence of momentary passion, and were brought on by a provocation of Mr. Singh's emotions. In particular, the defence refer to Dr. Riar's report, wherein he advises that Mr. Singh told him the attack on Baljit was provoked by his belief at the time that Baljit was accusing him of an inappropriate relationship with his mother, and that Baljit intended to make this allegation known.

[41] In this way, the defence challenge the Crown's characterization of this case as one of "near murder". They submit that the following factors, among others, attenuate Mr. Singh's moral blameworthiness:

- Mr. Singh was overcome by emotion in committing the offence.
- Mr. Singh made no attempt to cover up his offending or to concoct an alibi.
- Dr. Riar's report and Jagjit's statement indicate that Mr. Singh generally has a poor memory of his conduct while in a state of anger.
- Although he left the crime scene, Mr. Singh did not do so in flight. He told both Narinder and Mr. Brar to call the authorities as he moved away from the Residence.
- The attack, while brutal, was not prolonged.

[42] In addition to the mitigating factors conceded by the Crown, counsel for Mr. Singh insist that he should be credited for "early" guilty pleas. They emphasize that his pleas were entered before the commencement of trial, and that the plea to manslaughter was only entertained by the Crown once Dr. Riar's report prompted resolution discussions amongst the parties. To that end, defence counsel emphasize that Mr. Singh never outright denied responsibility for the offences, but only sought to challenge the appropriate fault standard engaged in the circumstances.[1]

[43] As well, counsel for Mr. Singh caution the court not to "double count" the injuries inflicted by Mr. Singh on Jagjit and M.K., for which he was separately charged, as factors aggravating his sentence for the manslaughter of Baljit. They submit, for instance, that the fact that Baljit was holding M.K. in her arms when Mr. Singh commenced his attack should not aggravate the sentence for Baljit's manslaughter. They say that the court lacks an evidentiary

foundation for determining whether Mr. Singh was aware that Baljit was holding M.K. at the time, and in any event emphasize that Mr. Singh will receive a separate sentence for his assault on M.K.

Governing Legal Principles

- [44] The general principles of sentencing, and the principles relating specifically to sentencing for manslaughter, are not in dispute.
- [45] Sections 718 to 718.2 of the Code set out the fundamental purpose and the principles of sentencing. Section 718 of the Code provides that the fundamental purpose of sentencing is "to protect society and to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions", with reference to six objectives. These objectives are: denunciation of unlawful conduct and the harm done to the victim or to the community; deterring the offender and other persons from committing offences; separating offenders from society, where necessary; assisting in rehabilitating offenders; providing reparations for harm done to victims or to the community; and promoting a sense of responsibility in offenders and acknowledging the harm done to victims or to the community.
- [46] In all cases, pursuant to s. 718.1 of the Code, a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender: see *R. v. Friesen*, 2020 SCC 9 [Friesen] at para. 30; *R. v. Parranto*, 2021 SCC 46 [Parranto] at paras. 11-12; and *R. v. Bissonnette*, 2022 SCC 23 at para. 50, citing *R. v. Nasogaluak*, 2010 SCC 6 [Nasogaluak] at para. 42.
- [47] As well, s. 718.2 of the Code sets out a number of specific principles that a court must take into consideration in sentencing. One important principle is that a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender: s. 718.2(a). As mentioned previously, it is a statutory aggravating factor that an offence was committed against one's family member, or involved the abuse of a person under the age of eighteen: s. 718.2(a)(ii) and 718.2(a)(ii.2).
- [48] Another important principle is parity of sentence, which requires the sentence imposed to be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances: s. 718.2(b) of the Code. However, I am mindful that I am not to lose sight of the individualized nature of the assessment before me--an assessment that requires me to weigh the objectives of sentencing in a manner that best reflects the circumstances of this case and of this offender: *Parranto* at paras. 11-12; *Nasogaluak* at para. 43.

Range of Sentences for Manslaughter

- [49] The offence of manslaughter carries a maximum sentence of life imprisonment. No minimum sentence applies in the circumstances of this case.

- [50] In *R. v. Green*, 2001 BCCA 672 [Green], our Court of Appeal noted the range of sentence for manslaughter as follows:
- [10] The maximum sentence for manslaughter is life imprisonment. It has been said that the range of sentence for this offence is from a suspended sentence to life imprisonment. I think, however, that most cases fall within the period of four to 15 years. A sentence below or above that range is imposed only in a case involving special circumstances.
- [51] Determining where a particular case falls within this general range is informed by its facts, including the circumstances surrounding the commission of the offence and the offender's personal context. The Court of Appeal in *R. v. Badhesa*, 2019 BCCA 70 [Badhesa] identified the following (non-exhaustive) factors to consider in conducting this analysis:
- [24] The offence of manslaughter encompasses conduct which has caused the death of another person and falls short of intentional killing. It covers a wide range of cases extending from "near accident" to "near murder" and different degrees of moral culpability attach along a continuum within that spectrum. A sentencing judge assesses moral culpability for manslaughter by considering the offender's mental state in the context of the unlawful act itself and the offender's personal characteristics, blending and balancing all in combination. Factors that weigh in the balance include intentional risk-taking, the harm caused, the normative character of the offender's conduct, the degree of deliberation involved, the existence of provocation and the element of chance involved in the resulting death: *R. v. Plowman*, 2015 BCCA 423 at para. 40, citing *R. v. M. (C.A.)*, [1996] 1 S.C.R. 500 at para. 80; *R. v. Stone*, [1999] 2 S.C.R. 290 at para. 247.
- [Emphasis added. See also *R. v. Deo*, 2022 BCSC 1835 at para. 102.]
- [52] To that end, counsel put a number of sentencing authorities before me. In those cases, the offenders at issue generally received sentences for manslaughter ranging from seven to 12 years. In particular, the Crown referred to the following manslaughter cases: *R. v. McCormick*, 2017 BCSC 145; *R. v. Quigley*, 2016 BCSC 2184 [Quigley]; *R. v. Kalsi*, 2018 BCSC 777 [Kalsi]; *Green*; *R. v. Laglace*, 2013 BCSC 1044 [Laglace]; and *R. v. Ellsworth*, 2003 BCSC 1315 [Ellsworth]. Counsel for Mr. Singh, meanwhile, cited the following authorities: *R. v. Tran*, 1999 BCCA 367 [Tran]; *R. v. Del Rosario*, 2024 BCSC 1220 [Del Rosario]; and *R. v. Shearer*, 2020 BCSC 2169 [Shearer].
- [53] I have read and considered all of these cases, but will not canvass them at length. During their submissions, counsel took me through these cases and drew my attention to their similarities and distinguishing features.
- [54] I also note that ranges of sentence are ultimately guidelines, and not hard and fast rules: *R. v. Lacasse*, 2015 SCC 64 at para. 60 [Lacasse]. As mentioned above, the range for manslaughter is particularly wide, reflecting the numerous ways in which the offence can be committed. It falls on the sentencing judge, faced with this wide range, to "determine the degree of an individual offender's moral culpability and craft a sentence that accounts

adequately for the unique constellation of relevant factors present in a case": Badhesa at para. 26.

Analysis

[55] I begin with an analysis of the mitigating and aggravating factors identified by the parties. Since the Crown and counsel for Mr. Singh are in agreement as to the appropriate sentence for Count 2 and Count 3, I will focus my discussion of the factors that apply to the manslaughter of Baljit.

Mitigating Factors

[56] Mr. Singh has no criminal record. I also decline to consider any history of family violence on the part of Mr. Singh in crafting a fit sentence. The Crown suggests that I do so on the basis of a single incident described by Jagjit of being hit by Mr. Singh, which was resolved without police intervention.

[57] That said, in my view this prior incident does support the general description of Mr. Singh by those who knew him best--his family--as someone who is unable to control his anger, which ultimately led to the tragedy at the heart of this case. I will return to Mr. Singh's history with anger issues later in these Reasons.

[58] In terms of other mitigating factors engaged in this case, an additional factor is Mr. Singh's guilty pleas. While I agree with the Crown that the guilty pleas were not entered early in terms of the procedural history of this matter, I accept the submission of defence counsel that the guilty pleas were entered "early" in the sense that they obviated the need for trial (which I expect was of some relief to the involved parties), and that they were entered as a result of Dr. Riar's report, which foreclosed an NCRMD defence. Mr. Singh's guilty pleas also indicate that he has taken some responsibility for his actions, for which he is to be credited.

[59] On this point, I also consider the fact that Mr. Singh asked Narinder and Mr. Brar to notify authorities of the offences immediately after the attack as a mitigating factor. These efforts further indicate that Mr. Singh, on some level, acknowledged responsibility for the offences in their immediate aftermath.

[60] However, on the basis of Dr. Riar's report and as submitted by the Crown, I find that Mr. Singh cannot rely on remorse as a mitigating factor. Of course, I am aware that the absence of this mitigating factor is not in itself an aggravating factor.

[61] Conversely, I accept the defence's submission that Mr. Singh's attack on Baljit appears to have been prompted by some provocation of his emotions (however unfounded). I find that this factor, while only minimally mitigating, does serve to distinguish this case from cases which involved more significant deliberation on the part of the offender, or in which the offender otherwise acted in a clear and unexcited state of mind.

[62] Finally, I have also considered the collateral immigration consequences that Mr. Singh will face as a result of his convictions in crafting a fit sentence.

Aggravating Factors

- [63] I find that a number of factors serve to significantly aggravate Mr. Singh's moral blameworthiness in the circumstances of this case.
- [64] Mr. Singh's use of a large kitchen knife to commit the offences is aggravating, as is the fact that his attack was on a defenceless victim in her own home. Baljit's life was brutally taken in the place she should have felt most safe. The multiple stab wounds to Baljit's head and abdomen (which caused serious injuries to her internal organs) also speak to the brutality of Mr. Singh's attack. These factors aggravate his moral blameworthiness.
- [65] Mr. Singh's attack on Baljit was an attack on a family member, which pursuant to s. 718.2(a) (ii) of the Code must be considered as an aggravating factor.
- [66] As well, I accept the Crown's submission that the fact that Mr. Singh attacked Baljit while Baljit held M.K. (a two-year-old child) in her arms is in itself aggravating, and would not amount to "double counting". Separate and apart from the injuries inflicted on M.K., her presence during the commission of the offence against Baljit is aggravating in respect of the manslaughter offence. An offender inflicting brutal violence on a family member in the presence of a young child, in circumstances where the offender (at the very least) knew the young child is present in the home, is highly blameworthy conduct.

Deterrence and Denunciation

- [67] The principles of deterrence and denunciation are of paramount importance in this case. The principle of denunciation enables our society to express its values through the condemnation of the offence: see Friesen at para. 105. As explained in *R. v. M. (C.A.)*, [1996] 1 S.C.R. 500, 1996 CanLII 230, a sentence with a denunciatory element "represents a symbolic, collective statement that the offender's conduct should be punished for encroaching on our society's basic code of values": at para. 81.
- [68] It is important for this Court, through the sentencing process, to denounce Mr. Singh's conduct. The brutal killing of a defenceless family member in her own home must be denounced and condemned.
- [69] In terms of general deterrence, members of the public must understand that violence of this sort will not be tolerated, and that those who engage in such behaviour will receive severe penalties. Society cannot and will not tolerate this type of violent act.

[70] As for specific deterrence, the offences at bar appear to be the tragic culmination of a long struggle for Mr. Singh with anger and with regulating his emotions. Mr. Singh's offences demonstrate his capacity for immense violence when angered, with devastating consequences. While I recognize that Mr. Singh has no criminal history, and appears to be taking steps to address his issues with anger, he must be personally deterred from engaging in similar behaviour in the future.

Rehabilitation

[71] As I have discussed above, deterrence and denunciation are of paramount importance in this case. That said, I must also consider Mr. Singh's prospects of rehabilitation. Mr. Singh is not beyond hope of addressing his issues with anger and moving forward positively in life. I am encouraged by his apparent efforts to undertake coursework aimed at developing emotional and life skills. However, while encouraging, those efforts, and rehabilitation as a whole, are of secondary importance in this case.

Proportionality and Parity of Sentence

[72] The fundamental principle of sentencing--proportionality--requires Mr. Singh's sentence to be proportionate to the gravity of his offences and his degree of responsibility: s. 718.1 of the Code; see also *Badhesa* at para. 25.

[73] The gravity of the manslaughter in this case, and Mr. Singh's personal responsibility in the commission of the offences, falls on the moderate-to-high end of the manslaughter spectrum. The culpable killing of another human being is evidently and objectively grave. Further, the brutal nature of Mr. Singh's attack on Baljit (as I have pointed out, a defenceless woman in her own home) aggravates his blameworthiness, as does the use of a weapon and the commission of the offence in the presence of a young child. That said, as I have discussed, Mr. Singh's personal blameworthiness is attenuated by his efforts to notify authorities of the offences, his guilty pleas and apparent acceptance of responsibility, and (to some extent) the element of provocation (and absence of deliberation) in the commission of the offence.

[74] Additionally, pursuant to the principle of parity, the sentence imposed on Mr. Singh should be similar to sentences imposed on similar offenders for similar offences in similar circumstances: s. 718.2(b) of the Code. As mentioned previously, the parties referred to a number of authorities which they say are instructive in determining Mr. Singh's blameworthiness and in giving effect to the parity principle. I consider these authorities helpful, at least to the extent that they suggest a sentence somewhere in the range of eight to 12 years is appropriate in this case.

[75] However, I emphasize that all of the authorities cited by the parties have some features that serve to distinguish them from the present circumstances. To name but a few, this case does not involve a joint submission (e.g., *Quigley*, *Kalsi*, and *Shearer*), does not raise intoxication

as a complicating factor (e.g., Del Rosario, among others), and does not involve a genuine expression of remorse (as was expressed by the offender in Green). Conversely, this case is not aggravated by an element of significant deliberation (e.g., Tran) or by intimate partner violence (e.g., Ellsworth, among others), nor by attempts on the part of the offender to hide their offending (e.g., Laglace). I have described these distinguishing features to emphasize that sentencing is ultimately an individualized exercise, and to reiterate that ranges of sentence are ultimately guidelines, not hard and fast rules: Lacasse at para. 60.

Application of the Sentencing Principles to the Offences

Count 1: Manslaughter of Baljit Kaur

[76] Taking into account the numerous aggravating and mitigating factors engaged in this case, the gravity of the offence, the authorities cited by the parties in respect of parity, the paramount importance of deterrence and denunciation, and the prospects of Mr. Singh's rehabilitation, I have determined that an appropriate sentence for the manslaughter of Baljit Kaur is 10 years' imprisonment.

Count 2 and Count 3: Aggravated Assaults of Jagjit Singh and M.K.

[77] The parties agree that the appropriate sentences for Count 2 and Count 3 are two years' imprisonment, to be served concurrently with the sentence imposed for Count 1. I am satisfied that these are appropriate sentences, in the circumstances.

Disposition

[78] Mr. Singh, please stand.

· On Count 1, the charge of manslaughter in the death of Baljit Kaur, I sentence you to 10 years' imprisonment.

· On Count 2, the charge of aggravated assault of Jagjit Singh, I sentence you to two years' imprisonment, to be served concurrently with the sentence imposed for Count 1.

· On Count 3, the charge of aggravated assault of M.K., I sentence you to two years' imprisonment, also to be served concurrently with the sentence imposed for Count 2 and Count 1.

[79] Therefore, your global sentence is 10 years' imprisonment.

[80] I must now factor into that sentence the credit you are to be given for 1,451 days of pre-trial custody. At a rate of 1.5:1, you are entitled to a total credit of 2,177 days in custody. After accounting for this credit, your sentence becomes 1,476 days, or 4 years and 15 days.

Ancillary orders

[81] In addition, the following ancillary orders must be imposed:

1. Pursuant to s. 487.051(1) of the Code, I make an order in Form 5.03 authorizing the taking of samples of bodily substances from Harpreet Singh for the purpose of registration in the DNA National Databank.
 2. Pursuant to s. 109(2)(a) of the Code, you are prohibited from possessing any firearm, other than a prohibited or restricted firearm, and any crossbow, restricted weapon, ammunition and explosive substance for a period of 10 years following your release on parole.
 3. Pursuant to s. 109(2)(b) of the Code, you are prohibited from possessing any prohibited firearm, restricted firearm, prohibited weapon, prohibited device and prohibited ammunition for life, running from the date of this order.
 4. Pursuant to s. 737(2.1) of the Code, I decline to order the payment of a victim fine surcharge.
 5. Finally, pursuant to s. 743.2 of the Code, I order that a copy of these reasons for sentence, once finalized and published, be forwarded to the Correctional Service of Canada.
- [82] Before we adjourn, I would like to thank counsel for your professionalism and assistance throughout this matter.

"Devlin J."

- [1] Initially by pursuing a defence of not criminally responsible on account of mental disorder ("NCRMD"), which Mr. Singh abandoned after receiving Dr. Riar's report.

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