

CANADA / JUDGMENT

R. v. Singh

2026 ONCA 179

COURT

Court of Appeal for Ontario

DECIDED

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Tulloch, Michael H.; Copeland, Jill M.; Madsen, Lene

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COURT OF APPEAL FOR ONTARIO

CITATION: R. v. Singh, 2026 ONCA 179[1]

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Tulloch C.J.O., Copeland and Madsen JJ.A.

BETWEEN

His Majesty the King

Respondent

and

Ranjit Singh

Appellant

Jeffery Couse, for the appellant

Catherine Glaister, for the respondent

Heard: January 19, 2026

On appeal from the convictions entered by Justice G. Paul Renwick of the Ontario Court of Justice on March 9, 2024, with reasons reported at 2024 ONCJ 436.

Tulloch C.J.O.:

A. Overview [1] The appellant appeals his convictions on eight counts arising from allegations of assault, sexual assault, and forcible confinement. The trial proceeded before a judge sitting alone and turned largely on the credibility and reliability of the complainant's testimony. The trial judge accepted the complainant's evidence in its entirety and rejected the appellant's theory that the allegations had been fabricated. On that basis, the judge was satisfied beyond a reasonable doubt of the appellant's guilt on all counts.

[2] On appeal, the appellant advances several interrelated grounds of error, each directed in substance to the trial judge's credibility analysis. He submits that the judge's acceptance of the complainant's evidence was tainted by legal and analytical errors that cumulatively undermine the safety of the verdicts. In particular, the appellant argues that the trial judge: (i) relied on speculative or unsupported reasoning to resolve gaps in the evidence; (ii) improperly treated certain circumstantial evidence, including the presence of a rope and the configuration of the basement bedroom door, as corroborative of the complainant's account; (iii) minimized or failed to grapple with inconsistencies and reliability concerns arising from the complainant's testimony; (iv) discounted investigative shortcomings that, according to the appellant, could have materially affected the assessment of the evidence; and (v) relied on impermissible considerations, including the complainant's professed religious beliefs, when rejecting the defence theory that she had a motive to fabricate.

[3] With respect to the latter point, the appellant submits that the trial judge erred in law by referring to the complainant's testimony concerning her religious beliefs as a factor undermining the likelihood that she would invent allegations to harm the appellant. He contends that this reasoning amounted to an improper inference that religious belief enhances credibility, thereby introducing an irrelevant and prejudicial consideration into the credibility assessment.

- [4] The appellant further argues that the trial judge's reasons reflect an approach that effectively insulated the complainant's testimony from meaningful scrutiny. In his submission, the judge resolved evidentiary uncertainties and investigative gaps in a manner consistently favourable to the Crown's case, relied on conjecture to reconcile problematic aspects of the evidence, and failed to adequately consider whether the identified deficiencies could give rise to a reasonable doubt. When these alleged errors are considered cumulatively, the appellant maintains that the credibility findings cannot safely stand.
- [5] The Crown responds that the appellant's arguments amount to little more than a disagreement with the trial judge's findings of fact and credibility determinations, which are owed significant appellate deference. The Crown submits that the reasons demonstrate a careful and comprehensive assessment of the evidence, including the reliability concerns raised by the defence. Properly read, the reference to the complainant's religious beliefs was not used as a proxy for truthfulness but formed part of the trial judge's evaluation of the alleged motive to fabricate. The Crown argues that the remaining complaints likewise fail to disclose any error in principle or palpable and overriding error in the trial judge's reasoning.
- [6] In my view, none of the appellant's grounds of appeal discloses a reversible error. When the trial judge's reasons are read as a whole and in light of the evidentiary record, the challenged aspects of the analysis fall well within the scope of permissible fact-finding and credibility assessment. The appellant has not demonstrated that the trial judge relied on improper reasoning, ignored material evidence, or otherwise committed a palpable and overriding error. For the reasons that follow, there is no basis for appellate intervention. Accordingly, the appeal should be dismissed.

B. background [7] The appellant was the complainant's longtime friend and housemate. They encountered each other in India at a Sikh temple which they both attended and were briefly engaged. Several years after they both came to Canada, he was charged with assaulting, sexually assaulting, and unlawfully confining her. The Crown relied on her evidence describing a pattern of violence, sexual coercion, and control over a period of years, culminating in an incident on March 2, 2022, in which she was assaulted, restrained with a rope, confined in a locked basement bedroom, and threatened with the creation of a sexual recording in order to force her into marriage.

- [8] On the complainant's evidence, the appellant escalated his violent and abusive conduct after he learned that the complainant had become engaged. She testified that he sent images and videos of her to her fiancé and threatened to falsely tell him that she was in an intimate relationship with and planned to marry the appellant.
- [9] The Crown also called a third-party civilian witness who had no prior relationship with either party. This witness testified that, on March 2, she overheard the complainant speaking in a distressed, emotional state and seeking help while a male voice could be heard in the background. The witness perceived the complainant to be frightened and constrained in her ability to speak freely.

- [10] Additional supporting evidence included police testimony concerning the scene and seized items (including a rope found in the basement bedroom), video exhibits, and body-worn camera footage.
- [11] The appellant's trial counsel suggested in cross-examination that the complainant made up the allegations on March 2 to save her engagement and take revenge on the defendant for attempting to interfere with it. Counsel theorized that these alleged motives to fabricate explained why the complainant did not disclose the alleged prior assaults sooner.
- [12] In response, the complainant explained why she did not report the appellant earlier. She cited both her ethical belief that it is wrong to cause others suffering and religious beliefs which led her to accept her own suffering and keep it private.
- [13] The trial judge delivered detailed written reasons addressing credibility, reliability, corroborative and circumstantial evidence, and the defence theory of fabrication. In particular, he treated the evidence of the third-party civilian witness as independent, contemporaneous, and neutral. He found that it did not merely repeat the complainant's account, but rather corroborated her claim that she was in distress and under the appellant's control at the time she sought assistance. He cited the complainant's evidence concerning her ethical and religious motives as one of many reasons to reject the alleged motives to fabricate.

C. issues [14] The appellant's submissions raise three issues:

- (1) Did the trial judge err in relying on evidence of the complainant's religious motives to reject the defence theory of motive to fabricate?
- (2) Did the trial judge improperly rely on demeanour or related credibility factors?
- (3) Did the trial judge misapply the burden of proof in addressing investigative or evidentiary gaps?

[15] As I will explain, the answer to each of these questions is no.

D. analysis 1. Evidence of Religious Motives [16] The appellant first argues that the trial judge impermissibly relied on the complainant's religious motives to reject the alleged motives to fabricate. I disagree. Those motives were relevant to rebut the fabrication allegations, and their religious character did not bar the trial judge from considering them for that legitimate purpose.

a. The Governing Legal Framework

- [17] Evidence is admissible if (1) it is relevant to a live material issue, (2) its probative value exceeds its prejudicial effects, and (3) no other exclusionary rule applies: *R. v. Calnen*, 2019 SCC 6, [2019] 1 S.C.R. 301, at para. 107, per Martin J. (dissenting in part, but not on this point). Instead of contesting the first two requirements, the appellant rests his case on the third. Citing *R. v. Santhosh*, 2016 ONCA 731, 342 C.C.C. (3d) 41, he submits that an exclusionary rule barred the trial judge from using the complainant's motives to rebut the

fabrication allegations because those motives were religious.

- [18] Santhosh, however, did not adopt such a sweeping rule. Instead of blocking the admission of religious belief evidence for legitimate purposes, that case only barred using it for the illegitimate purpose which arose on the facts – believing or disbelieving witnesses because they are religious or non-religious: at para. 40. That use is prohibited because holding or not holding religious beliefs “does not establish a ‘tendency or disposition’ to tell the truth or lie”: at para. 44, quoting *R. v. McMillan* (1975), 23 C.C.C. (2d) 160 (Ont. C.A.), at p. 167, *aff’d* [1977] 2 S.C.R. 824.
- [19] I would decline to expand Santhosh’s exclusionary rule to categorically bar the admission of the motive evidence here. Both precedent and policy counsel against doing so.
- [20] First, precedent establishes that evidence of religious beliefs may sometimes be admitted where relevant to a live material issue. The Supreme Court of Canada admitted such evidence to establish *modus operandi*, and Santhosh suggested that it may be also admissible to show a witness’s interest or bias: *R. v. Shearing*, 2002 SCC 58, [2002] 3 S.C.R. 33, at paras. 31, 63, 66, 71, 73-74; Santhosh, at para. 52, quoting Fed. R. Evid. 610, Advisory Committee’s Note.
- [21] Another such live material issue is motive. It is important to be aware of all the reasons – both secular and religious – why victims of sexual and intimate partner violence may disclose abuse later: *R. v. D.D.*, 2000 SCC 43, [2000] 2 S.C.R. 275, at para. 65; *Barendregt v. Grebliunas*, 2022 SCC 22, [2022] 1 S.C.R. 517, at para. 183. If a party puts the timing of disclosure at issue by alleging motive to fabricate, the opposing party is thus entitled to show that other motives explain that timing: *R. v. Pargelen* (1996), 31 O.R. (3d) 504 (C.A.), at p. 516; *R. v. Brown* (2005), 201 C.C.C. (3d) 309 (Ont. C.A.), at paras. 14-17.[2] Courts have accordingly grappled with “spiritual ... considerations that may be preventing the victim from talking about the violence”: *M.A.B. v. M.G.C.*, 2022 ONSC 7207, at para. 178. Like non-religious motives, such religious beliefs may rebut fabrication by explaining the timing of disclosure: *Greaves v. Greaves* (2004), 4 R.F.L. (6th) 1 (Ont. S.C.), at para. 9; *Zunnurain v. Chowdhury*, 2024 ONSC 5552, at para. 231.
- [22] Second, two important principles – the truth-seeking objective and state neutrality – confirm that a contextual approach is preferable to a categorical bar.
- [23] Truth-seeking favours contextualism over blanket prohibitions. The law of evidence starts from the premise that all relevant evidence should be admissible and prefers case-specific balancing and careful limiting instructions to categorical bars: *R. v. Grant*, 2015 SCC 9, [2015] 1 S.C.R. 475, at paras. 18-19; *R. v. Corbett*, [1988] 1 S.C.R. 670, at p. 691. Admitting evidence of religious belief where it is probative of a legitimate issue and not unduly prejudicial advances this truth-seeking function, while across-the-board exclusion frustrates it.

- [24] The principle of state neutrality also prefers contextualism over categorical exclusion. A neutral state “shows respect for all postures towards religion” by neither favouring nor disfavours any of them: *S.L. v. Commission scolaire des Chênes*, 2012 SCC 7, [2012] 1 S.C.R. 235, at para. 32. State neutrality preserves pluralism by fostering equality, solidarity, mutual understanding, and diversity. By affirming the freedom of all to believe or not to believe and valuing everyone equally, this inclusive principle enables diverse people and communities to live together peacefully and participate fully in public life free from discrimination, coercion, or judgment: *Loyola High School v. Quebec (Attorney General)*, 2015 SCC 12, [2015] 1 S.C.R. 613, at paras. 45, 47; *Mouvement laïque québécois v. Saguenay (City)*, 2015 SCC 16, [2015] 2 S.C.R. 3, at paras. 74-75.
- [25] By respecting all postures, state neutrality recognizes the importance of belief to individual identity for religious believers and holders of non-religious conscientious beliefs alike. In the words of Justice Albie Sachs of the South African Constitutional Court, religious beliefs – and, I add, conscientious ones – are “key” to human dignity and “central” to the activities of those who hold them: *Christian Education South Africa v. Minister of Education*, [2000] ZACC 11, 2000 (4) S.A. 757, at para. 36; see also *Loyola*, at paras. 43-44; *Mouvement laïque*, at paras. 73-74; *McKitty v. Hayani*, 2019 ONCA 805, 439 D.L.R. (4th) 504, at para. 62.
- [26] Applied to evidence law, state neutrality precludes both favouring and disfavours religion-related evidence on the basis that it is religious. Finding witnesses more credible because they are religious violates state neutrality by favouring religious belief: *Santhosh*, at paras. 47-49. But the converse is also true – a categorical bar on otherwise admissible evidence simply because it implicates religion risks unfairly disfavours religious beliefs. In this case, despite challenging the complainant’s religious motives, the appellant did not object to her non-religious motives. Because both motives are capable of explaining the complainant’s actions, admitting the latter but excluding the former simply because it is religious risks creating a “hierarchy of beliefs” that ranks some convictions as more legitimate than others: *Mouvement laïque*, at para. 73.
- [27] Categorically excluding evidence of religious motives for not disclosing sooner also risks disfavours many complainants based on their beliefs. By sending a message that religious motives concerning when to disclose violence are illegitimate, a blanket bar risks creating an “ideal victim” myth that excludes the complainants who hold those beliefs, denies them the law’s protection, discourages them from reporting, and undermines their trust and broader public trust in the administration of justice: *R. v. N.S.*, 2012 SCC 72, [2012] 3 S.C.R. 726, at para. 37; *R. v. Kruk*, 2024 SCC 7, 489 D.L.R. (4th) 385, at para. 35; *R. v. Kinamore*, 2025 SCC 19, 503 D.L.R. (4th) 385, at para. 74.
- [28] These harms may be felt most heavily by marginalized or racialized newcomer women like the complainant in this case. These women are often especially vulnerable to sexual and intimate partner violence, they already frequently face serious barriers to reporting and accessing justice, and their religious views are sometimes poorly understood by the rest of society. Adding an evidentiary hurdle that prevents them from defending themselves against

fabrication allegations by explaining those views risks pushing them even further to the margins and sending a message that the courtroom is an unwelcoming environment: *R. v. Kirkpatrick*, 2022 SCC 33, [2022] 2 S.C.R. 480, at paras. 61-62; *Michel v. Graydon*, 2020 SCC 24, [2020] 2 S.C.R. 763, at para. 101, per Martin J. (concurring); *Ahluwalia v. Ahluwalia*, 2022 ONSC 1303, 161 O.R. (3d) 360, at paras. 73, 119, aff'd in part, rev'd in part, 2023 ONCA 476, 167 O.R. (3d) 561, leave to appeal granted and appeal heard and reserved February 11-12, 2025, [2023] S.C.C.A. No. 529; *Santhosh*, at para. 47.

- [29] State neutrality instead steers a middle path that accommodates belief while preserving guardrails. A “secular state respects religious differences” rather than seeking to erase them: *Loyola*, at para. 43. While trial fairness and the sound administration of justice must be defended, attempting to banish religion from the courtroom is unprincipled and unrealistic in our pluralistic society. Because neutrality is inclusive not exclusionary, the law strives to make space for religious and conscientious beliefs in the courtroom where possible: *N.S.*, at paras. 50-56.
- [30] Guardrails against the risks of improper reasoning are, of course, needed. Evidence of religious motives can risk prejudice, stereotyping, and distraction from the core issues. Inflammatory remarks by counsel that mock or belittle religious or conscientious beliefs fuel these risks, as do unfocused detours into the intricacies of religious doctrine. Care is needed to guard against the risks of privileging mainstream views and disfavoured minority views or non-believers: *Santhosh*, at paras. 46-48; *Shearing*, at paras. 66, 71; *R. v. A.T.*, 2015 ONCA 65, 124 O.R. (3d) 161, at paras. 32-40; *R. v. Bouhsass* (2002), 62 O.R. (3d) 103 (C.A.), at para. 12.
- [31] Contextual balancing and careful limits on use supply these guardrails. In *Shearing*, for instance, the Supreme Court deferred to the trial judge’s careful balancing of the probative value and prejudicial effect of similar fact evidence implicating religious beliefs: at paras. 66, 71-74. Even where evidence of religious motives passes this balancing test, robust use limits remain. Using such evidence to believe or disbelieve witnesses because they are religious or non-religious remains off-limits. Instructions or self-directions about the proper and improper uses of evidence of religious motives can keep the trier of fact focused on the core issues and avoid impermissible reasoning. Inflammatory remarks by counsel should be corrected, and unnecessary excursions into the finer points or merits of beliefs should be avoided: *A.T.*, at paras. 33, 38-40; *Santhosh*, at para. 50.
- b. Application: The Trial Judge Used the Evidence Properly
- [32] In this case, the trial judge did not commit any reversible error in his use of the evidence of the complainant’s religious motives. It was open to him to consider that evidence because it was relevant to a live material issue. Because the defence put the timing of disclosure at issue by alleging motives to fabricate, the Crown was entitled to show that the complainant had other reasons, including religious motives, for not disclosing the violence sooner.

- [33] The trial judge used the evidence for that very proper purpose, stating that the complainant's religious beliefs undercut the defence's fabrication theory. Read in the context of the record, this statement was clearly meant to support his ultimate conclusion that the complainant was acting for reasons other than the alleged motives to fabricate. The appellant's submission that the trial judge instead found the complainant more credible because she was religious – an argument the Crown never made – overlooks both the context and the presumption of correct application: *R. v. G.F.*, 2021 SCC 20, [2021] 1 S.C.R. 801, at para. 79. Thus, the trial judge did not violate Santhosh's exclusionary rule.
- [34] In the alternative, any error was harmless. The trial judge conducted a contextual and principled assessment of the alleged motives to fabricate and rejected that theory as inconsistent with the evidence as a whole. He assessed whether the alleged motives plausibly explained the scope, detail, and circumstances of the allegations, including the timing of disclosure, the complainant's initial decision to move out rather than complain, her testimony concerning non-religious motives for the timing of disclosure, and her identification of potential witnesses who could have contradicted her account. Significantly, the trial judge also considered the evidence of the independent third-party witness who overheard the complainant in distress while a male voice was present on March 2, 2022. This evidence was inconsistent with a planned or calculated fabrication and supported the complainant's assertion that she was under immediate pressure and control when she sought help.
- [35] It is thus apparent that the trial judge would have reached the same conclusion even absent the evidence of religious motives. As in *Santhosh*, those beliefs were only a "small factor" in the trial judge's analysis: at para. 55.
2. Demeanour and Related Considerations [36] The appellant next argues that the trial judge placed improper weight on demeanour, as well as observations that the complainant endured extensive cross-examination without material inconsistency and did not embellish her evidence.
- [37] The reasons do not support this characterization. First, the trial judge's restrained approach to the demeanour evidence was not an error: *R. v. E.H.*, 2020 ONCA 405, 389 C.C.C. (3d) 380, at para. 91. He expressly acknowledged its limited utility and did not treat it as determinative. His assessment of that evidence formed a modest part of a broader credibility assessment that included internal coherence, plausibility, consistency with surrounding circumstances, and confirmation from independent civilian evidence.
- [38] Second, it was not an error for the trial judge to note that the complainant stood up to cross-examination or refrained from exaggeration. These observations do not replace analysis; they help explain why the trial judge accepted the complainant's evidence and was not left in reasonable doubt after considering the record as a whole: *R. v. Kiss*, 2018 ONCA 184, at paras. 52-54.

- [39] I see no legal error and no palpable and overriding factual error in this aspect of the reasons.
3. Burden of Proof and Investigative Gaps [40] The appellant finally submits that the trial judge misapplied the burden of proof by minimizing investigative shortcomings, including the failure to interview certain housemates, obtain an audio recording, or conduct DNA testing on the rope.
- [41] This submission cannot succeed. The trial judge correctly instructed himself that reasonable doubt may arise from the evidence or from the absence of evidence. He expressly considered the identified gaps and assessed whether they undermined the Crown's case.
- [42] In doing so, the trial judge considered the presence of independent third-party evidence that corroborated the complainant's distress and constrained circumstances at the relevant time. That evidence reduced the significance of some investigative omissions and supported the trial judge's conclusion that the gaps did not generate a reasonable doubt.
- [43] The judge did not reverse the burden of proof or require the appellant to explain missing evidence. Rather, he concluded on the record before him that none of the omissions created a reasonable doubt in light of the complainant's testimony, the physical evidence, and the independent civilian witness.
- [44] The appellant's argument amounts to a request that this court re-weigh the evidence and draw different inferences. Absent demonstrable error, that is not the appellate function.

E. Disposition [45] The trial judge applied the correct legal principles, conducted a careful and transparent credibility and reliability analysis, and properly relied on the complainant's religious motives as one of many reasons to reject the alleged motives to fabricate. His findings were supported not only by the complainant's testimony, but also by independent third-party evidence and circumstantial corroboration. The appellant has not established reversible error. The appeal is dismissed.

Released: March 13, 2026 "M.T."

"M. Tulloch C.J.O."

"I agree. Copeland J.A."

"I agree. L. Madsen J.A."

- [1] This appeal is subject to a publication ban pursuant to s. 486.4 of the Criminal Code, R.S.C. 1985, c. C-46.
- [2] While delayed disclosure alone does not undermine the complainant's credibility, it may be relevant where, as here, it is potentially probative of an alleged motive to fabricate: *R. v. J.W.*, 2025 ONCA 637, 178 O.R. (3d) 358, at paras. 28-29, leave to appeal requested, [2025] S.C.C.A. No. 437.

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