CANADA / JUDGMENT

R. v. Sohi

2025 BCSC 2484

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Supreme Court of British Columbia

DECIDED
8 December 2025

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2025 BCSC 2484 R. v. Sohi

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Sohi,

2025 BCSC 2484

Date: 20251208

Docket: X086103

Registry: New Westminster

Rex

v.

Robinder Singh Sohi

Before: The Honourable Justice Gottardi

Oral Reasons for Sentence

Counsel for the Crown:

C.A. Sauder

Counsel for the Accused:

W. Jessop

Place and Date of Hearing:

New Westminster, B.C.

October 7, 2025

Place and Date of Judgment:

New Westminster, B.C.

December 8, 2025

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Introduction

[1] The accused, Robinder Singh Sohi, pled guilty to trafficking cocaine, methamphetamine, fentanyl and a benzodiazepine (namely, desalkylgidazepam[1]) as well as to four separate firearms-related counts. All charges stem from an offence date of September 16, 2022.

[2] This is a contested sentencing hearing. The Crown submits that a global sentence of six years' imprisonment is a fit and proper sentence for Mr. Sohi. Essentially, the six-year global sentence is a product of two consecutive three-year sentences, one for the drug offences and one for the firearm-related offences.

[3] The defence asks this Court to impose concurrent sentences on all counts. It is submitted that the possession of the firearms and the drugs were part of a linked series of acts within a single endeavour. Should this Court impose a consecutive sentence, Mr. Sohi submits that with the principle of totality the appropriate sentence would be 42-48 months.

[4] The Crown takes the position that a consideration of the totality principle does not require a reduction of the overall sentence in this case, due largely to the seriousness of the prohibited conduct in question.

[5] The parties are ad idem that the following ancillary orders should be ordered:

i) a 10-year weapons prohibition, pursuant to s. 109(2) of the Criminal Code, R.S.C. 1985, c. C-46 [Code]; and

ii) a DNA order pursuant to s. 487.051(3)(b) of the Code.

[6] The Crown is also seeking forfeiture pursuant to s. 16 of the Controlled Drugs and Substances Act, S.C. 1996, c. 19 [CDSA] and s. 462.37 of the Code. The Crown understands that Mr. Sohi is forfeiting his interest in any non-chemical offence-related property and proceeds of crime seized during the police investigation. The defence consents to this order being made.

[7] The Crown also notes that a victim fine surcharge is applicable in the amount of $200 per count pursuant to s. 737 of the Code. As Mr. Sohi has pled guilty to five counts, the Crown seeks a fine amount of $1,000.00.

Circumstances of the Offence

[8] Mr. Sohi came to the attention of police by chance.

[9] In the evening hours of September 16, 2022, police observed a grey 2022 Honda Civic (the "Civic") driving erratically and at high rates of speed. After querying the vehicle and observing the vehicle participate in several near accidents, the police pulled the vehicle over.

[10] The driver was later identified to be Amrit Singh Dyal. Mr. Sohi was in the passenger seat of the vehicle at the time it was pulled over. Mr. Sohi was the registered owner of the Civic.

[11] Mr. Dyal was arrested for dangerous operation of a motor vehicle and was Chartered and warned. Mr. Sohi, after initially refusing to get out of the vehicle or respond to police commands, was arrested for obstruction of a peace officer. He was found to be in possession of two cell phones at the time of his arrest.

[12] While looking in a handbag for Mr. Dyal's driver's license, police found a "dialler bag" of individually packaged drugs inside the handbag. Messrs. Dyal and Sohi were subsequently re-arrested, Chartered and warned for possession of drugs for the purposes of trafficking.

[13] While police were providing Mr. Sohi with his Charter rights, one of his cell phones began to ring. Police answered the phone calls and made notes of several calls which were consistent with prospective buyers seeking to purchase small amounts of drugs.

[14] During a subsequent search of the Civic, incidental to the second arrests of Messrs. Dyal and Sohi for possession for the purposes of trafficking, police seized a black wallet containing several pieces of identification connected to Mr. Sohi. Further, under the centre console, police located a void compartment. From this compartment the police seized the following items:

a) $2,040.00 CAD;

b) three more dialler bags of pre-packaged drugs;

c) $100.00 CAD in Dialler Bag #2;

d) one Glock model 48 9mm semi-automatic pistol; and

e) one cartridge magazine with ten 9mm calibre bullets within the Glock.

[15] The Glock, which is a restricted firearm, was loaded and fully functional. It was found upside down and facing forward in the void compartment of the vehicle.

[16] In total, the dialler bags seized from the Civic contained 373 individual packages of drugs: 34.34 grams of methamphetamine, 79.34 grams of cocaine, 7.44 grams of fentanyl and 29.49 grams of a fentanyl/benzodiazepine mixture. The total value of the controlled substances seized is approximately $10,590. The individual packages of drugs were priced for sale, based on type and amount, in increments of $10, $20, $50, $80 and $225.

Circumstances of the Offender

[17] Mr. Sohi is 31 years old, having been born on March 5, 1994. He was born in Surrey, B.C. and remained there until age 3 before relocating to India with his mother, father and younger sister. Together the family moved to Pharwali village where his father maintained a farm.

[18] Mr. Sohi was sent to a private boarding school in India, operated in the British Colonial tradition, which was located approximately a 5-hour drive from the family farm. He resided at the boarding school from ages 6-12, returning to the farm only three months out of the year.

[19] The Sohi family relocated to Surrey when the accused was 12 years old. His father suffered from severe depression at this point in Mr. Sohi's life. I am informed that for approximately one year his father did not speak at all.

[20] Upon their return to Canada, Mr. Sohi's mother began work as a licensed caretaker at Fleetwood Villa in Surrey. She continues in that job to this day. His father took a job at Superior Poultry in Port Coquitlam, where he worked from 2008 until 2024. His younger sister works for a non-profit organization in Burnaby.

[21] In 2024, Mr. Sohi's father went on sick leave for depression. This bout of illness was precipitated by the passing of two close relatives.

[22] Mr. Sohi is a graduate of Fleetwood Park Secondary School. Following his graduation he entered into a nursing program before leaving and completing a diploma as an education assistant to work with children with special needs.

[23] Mr. Sohi has had steady and gainful employment throughout his adult life. Between 2019 and 2022 he worked alongside his aunt in her book-keeping business, as well as moonlighting as a longshoreman.

[24] Most recently Mr. Sohi has been working at JPI Transport as a dispatcher. This employment began in 2024 and continues to present although he is officially "on leave" in anticipation of a custodial sentence.

[25] Mr. Sohi is currently married, having met his now wife Valeen Sohi in 2022. They plan to start a family upon Mr. Sohi's release from custody. She is employed by the Government of Canada and is a positive family support for Mr. Sohi.

Impact on the Community

[26] In crafting a fit sentence for drug offences, it is important to consider the broader societal context within which these offences occurred, as there is often no victim impact statement to be filed. Regardless, it must be remembered that trafficking in hard drugs is not a victimless crime. Indeed, as the cases have pointed out, the consequences of trafficking in drugs extend far beyond the harms caused to the immediate purchasers. As was discussed by the Supreme Court of Canada in R. v. Parranto, 2021 SCC 46 at paras. 87-92, the dangers of trafficking in hard drugs have long been recognized in Canada. These harms were eloquently articulated in cases such as R. v. Kim, 2022 BCSC 518, and R v. Harmes, 2022 BCSC 663. In Kim, Devlin J. made the following observations:

[27] Trafficking in such substances causes both direct and indirect harm to society. Distribution results directly in addiction and debilitating health effects. Increasingly, it also leads to death by overdose. Trafficking also leads indirectly to increased crime, both from those seeking to finance their addiction and those seeking to maintain control over the lucrative drug trade. Trafficking in drugs also impacts the families of those with drug addictions, and it has serious societal costs in terms of health care and law enforcement.

[28] While the harms caused by trafficking in heroin, cocaine, and methamphetamine pose a grave threat to the community, "that threat pales in comparison to the one posed by fentanyl and its analogues" (Parranto at para. 93). As Justice Moldaver (concurring) observed,

"fentanyl has altered the landscape of the substance abuse crisis in Canada, revealing itself as public enemy number one" (at para. 93). As noted by the majority at para. 70 of Parranto, "the offender's willingness to exploit at-risk populations and communities" is a factor that may inform the court's assessment of the gravity of the offence in sentencing; "choices which demonstrate a reckless disregard for human life increase not only the gravity of the offence but the moral culpability of the offender" (Parranto at para. 70).

[29] The observations in Parranto reiterate those made in various decisions in British Columbia in recent years. In R. v. Smith, 2017 BCCA 112 [Smith], Madam Justice Newbury, dissenting (not on this point), recognized that British Columbia has "one of the worst, if not the worst, problems of Fentanyl abuse in Canada" (para. 44). This is demonstrated by the fact that since April 14, 2016, B.C. has been in a public state of emergency because of the opioid pandemic and the resulting surge in overdose-related deaths: see R. v. Niederhumer, 2022 BCCA 88 [Niederhumer] at para. 36; R. v. Toth, 2017 BCSC 501 [Toth] at para. 37. As noted by our Court of Appeal, the staggering numbers of overdose deaths in this province are "largely attributable to fentanyl": Niederhumer at para. 36.

. . . . .

[31] As noted by the majority in Parranto, "[l]ocal conditions may enter into the assessment of the gravity of the offence" (at para. 59). Accordingly, a fit and proper sentence should be reflective of and responsive to the local conditions in this province. In particular, it must respond to B.C.'s severe and ongoing opioid epidemic.

[27] According to the BC Coroner's Service report, filed as Exhibit 2, Illicit Drug Toxicity Deaths in B.C. from January 1, 2012 to December 31, 2022, there were 2,272 suspected illicit drug toxicity deaths in 2022, the second-largest ever recorded in a year. 232 of those deaths were in Surrey. Fentanyl was detected (alone or in combination with other drugs) in connection with 82% of drug toxicity deaths in 2022.

[28] Statistics from the BC Emergency Health Services ("EHS") Overdose Response in BC Communities report, filed as Exhibit 2, further demonstrate how particular communities have been impacted by the proliferation of these substances. In 2022, the year Mr. Sohi was arrested for these offences, EHS recorded 2,864 Overdose Response calls in Surrey.

Sentencing Principles

[29] Sections 718 to 718.2 of the Code set out the purpose and principles of sentencing. Those sections provide, in part, as follows:

718 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 that have one or more of the following objectives:

(a) to denounce unlawful conduct and the harm done to victims or to the community that is caused by unlawful conduct;

(b) to deter the offender and other persons from committing offences;

(c) to separate offenders from society, where necessary;

(d) to assist in rehabilitating offenders;

(e) to provide reparations for harm done to victims or to the community; and

(f) to promote a sense of responsibility in offenders, and acknowledgment of the harm done to victims or to the community.

718.1 A sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender.

718.2 A court that imposes a sentence shall also take into consideration the following principles:

(a) a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender. . .

(b) a sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances;

(c) where consecutive sentences are imposed, the combined sentence should not be unduly long or harsh;

(d) an offender should not be deprived of liberty, if less restrictive sanctions may be appropriate in the circumstances; and

(e) all available sanctions, other than imprisonment, that are reasonable in the circumstances and consistent with the harm done to victims or to the community should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders.

[30] Without restricting the generality of the Code provisions on sentencing, s. 10(1) of the CDSA provides:

the fundamental purpose of any sentence for an offence under [Part I of the CDSA] is to contribute to the respect for the law and the maintenance of a just, peaceful and safe society while encouraging rehabilitation, and treatment in appropriate circumstances, of offenders and acknowledging the harm done to victims and to the community.

[31] Section 10(2)(b) of the CDSA provides that the court must consider a previous conviction for a designated substance offence, such as possession for the purpose of trafficking, to be an aggravating factor.

[32] Proportionality is the fundamental and overarching principle of sentencing. The other sentencing principles set out in s. 718.2 must be taken into account and blended in a manner which produces a sentence that is proportionate to the gravity of the offence and the degree of responsibility of the offender.

[33] Blending the various objectives of sentencing is the essence of the sentencing process. There is seldom one and only one fit sentence. As long as the sentence imposed complies with the proportionality requirement in s. 718.1, sentencing judges are given considerable discretion to decide how best to blend the various legitimate objectives of sentencing. If sentencing judges operate within that band of discretion, the different weight assigned to different objectives may produce different but nonetheless equally fit sentences.

Principles of Sentence Deserving of Greatest Emphasis

[34] The case law establishes that denunciation and deterrence are the primary sentencing principles in a case such as this. A fit sentence must recognize that fentanyl is a highly addictive, dangerous and even lethal substance with no redeeming qualities outside of a medical setting. A fit sentence must also reinforce the message that those who traffic in fentanyl, even at the street-level, will be subject to significant penal consequences.

[35] At the same time, the court cannot lose sight of the fact that, in the right circumstances, a non-custodial rehabilitative sentence can best protect the public, while meeting the goals of denunciation and deterrence: see R. v. Schneider, 2019 BCCA 310 at para. 29.

[36] As emphasized in Harmes, rehabilitation remains a valid sentencing objective, even in cases involving drugs and guns:

[78] While deterrence and denunciation are of paramount importance, I must also consider the principle of rehabilitation. The prospect of rehabilitation cannot be overlooked when crafting an appropriate sentence, but it is of secondary importance when dealing with the type of case before me. As Justice Ker noted in R. v. Friesen, 2019 BCSC 1038, the importance of rehabilitation will vary from case to case depending on the degree of willingness of the offender to turn things around and the degree of confidence that the Court has in the durability of the offender's recovery (para. 70).

[37] Under the statutory regime created by Part XXIII of the Code, imprisonment is a sanction of last resort. The restraint principle plays a specific and important role in sentencing for serious crimes like the trafficking of hard drugs. Because of the seriousness of crimes involving the possession and trafficking of fentanyl, some term of imprisonment will usually be required to reflect the seriousness of the crime.

[38] Similarly, all levels of court in British Columbia have discussed the need to apply denunciatory sentences for loaded firearms offences. In R. v. Kachuol, 2017 BCCA 292 (Crown Book of Authorities, Tab 4), Dickson J.A. wrote:

[25] In recent years, Canadian courts have become increasingly concerned by the proliferation of handguns, gun violence and the dire consequences for our society. Guns are inherently, often lethally, dangerous, all the more so when they are possessed for an illicit purpose. As a result, their possession and use is highly regulated and, if unlawful, criminalized to ensure public safety, express society's condemnation and punish offenders. To the extent possible,

courts strive to achieve these goals when imposing sentences for firearms-related offences by prioritizing deterrence and denunciation, following customary sentencing ranges in all but exceptional cases and fully accounting for aggravating factors where they exist.

[26] As Madam Justice Smith recognized in Guha at para. 30, when an offender possesses a firearm, particularly a handgun, for an illicit purpose, that purpose can only be to threaten or inflict serious bodily harm or death, if and when considered necessary. Common sense and human experience suggest no other reasonable explanation or lesser risk posed by possession of this sort. As Crown counsel aptly put it, most unlawful possession of loaded firearms represents nothing short of "tragedy in gestation". By criminalizing such conduct via s. 95(1), the law intervenes before someone is actually harmed or some other crime actually committed. By imposing severe exemplary sentences for possession simpliciter, courts support and advance the goals of this intervention.

[39] The BC Court of Appeal has also recognized that the risks associated with the possession of firearms are enhanced in a drug trafficking context, as set out in R. v. Borecky, 2013 BCCA 163 (Crown Book of Authorities, Tab 5):

[74] There can be no doubt that drugs and firearms are a dangerous combination which imposes unacceptable costs on society. They are a toxic combination. The courts have largely stressed that deterrence and denunciation are paramount principles to consider when determining the appropriate sentence for an offender convicted of these crimes. [ ]

The Applicable Range

Fentanyl Trafficking Offences

[40] On a review of the applicable jurisprudence, the sentencing range for first-time offenders for street-level trafficking in fentanyl is 18-36 months in jail. Where within that range, or whether the Court ought to depart from that range, will depend on the individual circumstances of the offender and the offence.

[41] In R. v. Smith, 2017 BCCA 112, our Court of Appeal set the range for street-level trafficking in fentanyl starting at 18 months. The Court declined to set a hard ceiling for this range, but suggested that 36 months would be appropriate: at para. 45. Since Smith, the Court of Appeal has referred to the 18-36 months range applying to first time street level trafficking: R. v. Desmond, 2023 BCCA 442 at para. 9. These ranges are guidelines, not hard-line requirements, and the specific factors and individual circumstances in a given case can result in a lesser or greater sentence: R. v. Grouhel, 2021 BCSC 2527 at para. 8; Smith at paras. 35, 48.

[42] The range for fentanyl offences is significantly higher than other drugs because of the enhanced risks associated with trafficking in fentanyl and the individual responsibilities of dealers, given those risks and public knowledge of them: Smith at para. 49.

[43] However, as always, sentencing ranges are not binding and a sentence outside the usual range may be called for in the circumstances of a given case. As explained by Judge Jetté in R. v. Coppick, 2023 BCPC 71:

[19] A sentencing range established for an offence or category of offences is a guideline and not a strait-jacket, an observation made by the court in Smith and again most recently in R. v. Parranto, supra. A suggested range does not preclude lesser or greater sentences if warranted. Sentencing is an inherently individualized process. No two offenders are identically situated. There is no such thing as a uniform sentence for a particular crime. A sentence outside the usual range can be imposed so long as it is in accordance with the principles and objectives of sentencing: R. v. M. (C.A.), 1996 CanLII 230 (SCC), [1996] 1 S.C.R. 500; R. v. Lacasse, 2015 SCC 64; R. v. Smith, supra, at paras. 35, 43 and 46; R. v. Williams, 2019 BCCA 295; R. v. Padda, 2019 BCCA 351; R. v. Friesen, 2020 SCC 9; and R. v. Ellis, 2022 BCCA 278 at para. 165.

[20] Our Court of Appeal in R. v. Williams, supra, described the sentencing range approach which has been employed in this Province for some time:

[57] This Court has adopted the approach of sentencing ranges because, in our view, they provide an optimal balance between furthering parity and individualization in a sentence. Sentencing ranges are not more rigid than starting points but simply reflect an overview of sentences that have previously been imposed for a particular offence. They are intended to assist judges in arriving at a sentence that is consistent with sentences for similarly situated offenders, in similar circumstances -- furthering the principle of parity -- without constraining the judge's discretion to go outside of the range to properly reflect the unique circumstances of the offence or the offender. They do not set out "practical minimum and maximum sentences."

Firearms Offences

Section 95(1) of the Criminal Code

[44] Section 95(1) of the Code can capture a wide range of offending conduct. The "criminal range" or "true crime" category for gun offences was developed from comments made by Justice Doherty at para. 51 of R. v. Nur, 2013 ONCA 677, aff'd 2015 SCC 15. Echoing the words of Doherty J.A. below, the Supreme Court in Nur described the spectrum of offending conduct that can be captured by s. 95 offences as follows:

[82] At one end of the range "stands the outlaw who carries a loaded prohibited or restricted firearm in public places as a tool of his or her criminal trade . [T]his person is engaged in truly criminal conduct and poses a real and immediate danger to the public. . At the far end of the range, stands the licensed and responsible gun owner who stores his unloaded firearm safely with ammunition nearby, but makes a mistake as to where it can be stored.

[Emphasis added.]

[45] In British Columbia, according to our Court of Appeal, the bottom end of the range for "true crime" s. 95(1) offences is 30-36 months: R. v. Holt, 2015 BCCA 302 at para. 19.

Concurrent versus Consecutive Sentences

[46] The decision to impose concurrent or consecutive sentences is an exercise of discretion of the sentencing judge, based on the facts and circumstances of a particular case: R. v. Mann, 2018 BCCA 265 at para. 82 (Crown Book of Authorities, Tab 9).

[47] The test for the imposition of a consecutive or concurrent sentence is whether the acts that constitute the offences were part of a "linked series of acts within a single endeavour": R. v. G.P.W., [1998] B.C.J. No. 838 at para. 35, 106 B.C.A.C. 239 (C.A.). The test does not, however, compel the imposition of concurrent sentences where there is similar or overlapping evidence relating to multiple charges, nor does it prevent a sentencing judge from considering whether the offences engage different legally protected interests.

[48] In R. v. Lee, 2018 BCCA 428, our Court of Appeal considered the sentencing options available to a judge charged with sentencing an offender for both drug and firearms offences in circumstances where there is some degree of factual nexus between the offences. In Lee, the offender pled guilty to possession of hard drugs, including fentanyl, for the purposes of trafficking and possession of a prohibited handgun. He was given consecutive sentences of four years for the drug offences and three years for the firearm offence.

[49] On appeal, Mr. Lee argued that the judge had erred in imposing a consecutive sentence and, in the alternative that the consecutive sentence was appropriate, the judge had erred by punishing Mr. Lee twice for the firearms offence by treating it both as an aggravating factor and imposing a consecutive sentence. In disposing of both arguments, the Court provided guidance as to the choices available to a sentencing judge in such circumstances.

[50] In relation to the appropriateness of a consecutive sentence in Lee, the Court held as follows:

[18] In my view, Mann is dispositive of this ground of appeal. As this Court held in Li, the test for the imposition of a consecutive or concurrent sentence is "whether the acts constituting the offence were part of a linked series of acts within a single endeavour". That test does not, however, compel the imposition of concurrent sentences where there is similar or overlapping evidence relating to both charges or a close link in time and place between them. Nor does consideration of whether the offences engage different legally protected interests amount to a legal error. On the contrary, in Mann, the offender pleaded guilty to drug-related offences and to possession of a loaded handgun found in close proximity to the drugs in his residence. The sentencing judge in Mann imposed a global sentence of seven years' imprisonment comprised of consecutive sentences for the drug and firearms offences. Applying R. v. Crevier, 2015 ONCA 619, the sentencing judge concluded that a consecutive sentence should be imposed for the firearms offence because, although committed at the same time, the gun and drug offences engaged different legally protected interests. On

appeal in Mann, this Court saw no error in principle in the sentencing judge's analysis.

[19] I am similarly unable to see any error in principle in the judge's analysis in this case. It was open to the judge to impose concurrent sentences, but she was not obliged to do so. Although she reasonably inferred that the firearm was connected to Mr. Lee's drug trafficking activity and noted it was located in the vehicle with the drugs, the judge did not find the two offences "were part of a linked series of acts within a single endeavour". Nor did she err in considering whether they addressed different societal interests. Rather, taking into account all of the circumstances, she exercised her discretion in accordance with established legal principle, and, in doing so, had appropriate regard to the totality principle. In my view, her decision is entitled to appellate deference.

[51] The court went on to consider Mr. Lee's argument that he should not be punished twice for the firearms offence, as follows:

[20] In my view, this ground of appeal lacks merit. The judge plainly recognized that she could either treat the firearms offence as an aggravating circumstance in crafting her sentence on the drug offence or impose consecutive sentences. She chose to do the latter.

[Emphasis added.]

It is clear from the Court's rationale in dismissing any concerns about double punishment in Lee that a sentencing judge may choose either to impose a consecutive sentence or treat the firearms offences as an aggravating circumstance in determining a fit sentence for the drug offence.

[52] A similar rationale emerged in the case of R. v. Borecky, 2013 BCCA 163, which is instructive on this issue.

[53] In Borecky the offender was convicted of three counts of PPT in relation to cocaine, methamphetamine and heroin along with thirteen counts related to various firearms offences. He was given concurrent sentences on all counts. The Crown appealed the sentence alleging that the trial judge erred in imposing concurrent rather than consecutive sentences. As a starting point the Court of Appeal confirmed that the legal test for imposing a concurrent sentence involves a "factual assessment which ought to be afforded considerable deference, absent an error of principle on the part of the sentencing judge": Borecky at para. 19.

[54] In referring to the trial judge's reasons the Court of Appeal concluded that no error was made in imposing concurrent sentences:

[22] At para. 27 of his reasons, the sentencing judge found that:

Mr. Borecky had control over the drugs and guns. When the police came, it was he who placed the drugs and guns in the two bags to remove them from the house intending to hide them from the police.

[23] Given this finding, he was obliged to decide whether to impose concurrent or consecutive sentences for the drug offences and the firearms offences, other than count 4. Rather than imposing consecutive sentences, he decided to treat the firearms and prohibited devices in connection with the drugs as an aggravating factor to the drug offences.

[25] I do not agree that sentences must be consecutive in all cases where an offender is convicted of both drug and weapons charges and see no error on the part of the sentencing judge in declining to apply such an imperative, which is not supported by legislation or case law.

[Emphasis added.]

[55] I take from these authorities that a sentencing judge must decide, in all the circumstances of a particular case, whether the most appropriate sentence is a consecutive sentence or a concurrent sentence wherein each individual sentence has factored into it the aggravating factor of utilizing firearms within the milieu of drug trafficking.

[56] While it is open to a sentencing judge to consider whether the offences charged engaged "different legally protected interest", such a consideration is just one factor to be considered in determining whether a sentence should be concurrent or consecutive. The overarching finding that must be made in such an analysis is "whether the acts constituting the offence were part of a linked series of acts within a single endeavour". It may be that, despite the fact that the offences engage different legally protected interests, the acts still constitute a "single endeavour".

Position of the Parties

[57] The Crown submits that, after a consideration of all factors, a global sentence of six (6) years is appropriate. The Crown submits that a consideration of totality does not require a reduction of the global sentence.

[58] The defence asks this Court to impose concurrent sentences on all counts. It submits that the possession of the firearms and the drugs were part of a linked series of acts within a single endeavour. Specifically, the defence asks this Court to impose the following by way of sentence:

a) Count 1: PPT (as amended) - 2 years;

b) Count 4: s. 95(1) firearms offence - 36 months; and

c) the remaining firearms counts to be 24-36 months.

In the alternative, should this Court impose a consecutive sentence, the defence submits that, after a consideration of the totality principle, the appropriate sentence is 42-48 months.

Analysis

[59] I turn now to an application of the relevant legal principles to the particulars of this case. I begin with a consideration of the mitigating and aggravating factors.

Mitigating Factors

[60] There are several mitigating factors that I must consider in crafting a fit sentence for Mr. Sohi.

[61] First, Mr. Sohi comes before this Court with no criminal record and is to be sentenced as a first-time offender. This fact is relevant to the principle of restraint in sentencing and should inform a court's assessment of an offender's rehabilitative prospects: see R. v. Priest, 30 O.R. (3d) 538 at p. 6, 1996 CanLII 1381 (C.A.).

[62] The British Columbia Court of Appeal adopted the general rule from Priest in R. v. Mercer, 2015 BCCA 330. In R. v. Ferguson, 2018 BCSC 1523, when sentencing an accused for a brazen attempted murder at the Vancouver International Airport, Justice DeWitt-Van Oosten emphasized the following factors:

[144] For first time offenders who are facing imprisonment, it is generally understood that the term of imprisonment "should be as short as possible and tailored to the individual circumstances of the [offender] rather than solely for the purpose of general deterrence": R. v. Priest (1996), 30 O.R. (3d) 538 (C.A.) at p. 6.

[145] There is a presumption that a first time offender is capable of rehabilitation: R. v. Sidhu, 2011 BCCA 246 at para. 26. In R. v. Lacasse, the Supreme Court described rehabilitation as "one of the fundamental moral values that distinguish Canadian society from the societies of many other nations in the world, and it helps the courts impose sentences that are just and appropriate": at para. 4.

[63] Mr. Sohi's lack of criminal record informs the Court's approach to sentence by informing the application of s. 718.2(d) and (e).

[64] Second, Mr. Sohi entered guilty pleas to all counts on the Indictment. It is agreed by the parties that the plea was entered in advance of pre-trial applications, even though it is conceded that those applications had merit. This is a significant factor. Valuable court time was saved, and Mr Sohi gave up his right to test the Crown case, even where there was some prospect of advantage. This fact speaks to Mr. Sohi's desire to take responsibility for his actions.

[65] Third, in the three years since his arrest, Mr. Sohi has had no further contact with police. He has, by all accounts, complied with the conditions of his bail and has had no further interaction with the criminal justice system.

[66] Finally, in terms of prospects for rehabilitation, I agree with the defence that rehabilitation is not just reserved for the drug addict but speaks to the offender's potential for reintegration into society in a positive way. It speaks to the offender's insight into his behaviour and developing a pro-social outlook: see R. v. Johnson-Audain, 2025 BCSC 539 at para. 27.

[67] Since the offence, Mr. Sohi has secured lawful employment and been involved in a meaningful way assisting his family members. The letters I reviewed from family, perhaps unsurprisingly, speak highly of his integrity during challenging times for the family. I do note that it seems that Mr. Sohi has made positive steps towards crafting a pro-social life once released.

Aggravating Factors

[68] I find that there are several aggravating factors that must also be considered when determining a fit sentence.

[69] I have considered the nature and scope of the drug trafficking operation. Dial-a-dope operations are viewed as an aggravating circumstance by courts generally, but the courts do recognize that there is a spectrum of sophistication on which these organizations operate. In this case, the expert evidence suggests that Mr. Sohi and others were engaged in a low-level dial-a-dope operation that distributed an array of harmful controlled substances to purchasers at the street level.

[70] Despite solid prospects for the establishment of a pro-social career, Mr. Sohi chose to become involved in drug trafficking for profit. He completed high school and received post-secondary education as a nurse and an education assistant. He also worked for his aunt for some years, assisting in her book-keeping business. While I appreciate that the onset of his father's depression must have been difficult, it does not excuse or explain Mr. Sohi's decision to turn to a life of crime. His choices were his own.

[71] The dangerousness of the substances involved is another aggravating factor. I have already discussed the lethality of fentanyl and its deadly impact on addicted persons in the Greater Vancouver area, including Surrey. The presence of a benzodiazepine with the fentanyl is aggravating. In R. v. Campagna, 2025 BCSC 349 at para. 66, Justice Girn found the presence of the fentanyl, including mixing it with benzodiazepines (a scheduled substance), as aggravating, given that this mixing increases the likelihood of overdose.

[72] I also find that as Mr. Sohi was trafficking these drugs in 2022, during the height of the opioid crisis, he was aware of the devastating impact of these drugs on the community. That he chose to traffic these substances in the midst of a public health crisis is an aggravating factor.

[73] Finally, as already alluded to, the presence of the loaded Glock pistol is a significant aggravating factor. I agree with the Crown that it poses an unacceptable risk to the public and the police. It offends society's overall right to be safe from drug dealers using guns in their trade which could imperil the safety of innocent members of the community.

[74] Section 10(2)(a) of the CDSA provides:

If a person is convicted of a designated substance offence for which the court is not required to impose a minimum punishment, the court imposing sentence on the person shall consider any relevant aggravating factors including that the person:

(a) in relation to the commission of the offence,

(i) carried, used or threatened to use a weapon,

(ii) used or threatened to use violence.

[75] Applying logic and common sense, I find that this firearm was intended to be used for protection by those associated with the delivery of drugs, including Mr. Sohi. It was concealed and stored in such a way as to make it readily available to Mr. Sohi. The inherent dangerousness of such conduct is unacceptable in our society.

[76] The parties provided me with a number of authorities dealing with the sentencing of drug trafficking and firearms offences. Counsel, in their submissions, took me through some of these cases, noting their similarities and differences when compared to the case at bar. While I have considered all of these authorities, I will not discuss each of them, as the ranges of sentence set out therein are simply guidelines: see R. v. Lacasse, 2015 SCC 64.

[77] The Crown relies on Lee; Mann; Kachuol; R. v. Grewal, 2021 BCSC 1208; R. v. Bridgen, 2023 BCCA 229; R. v. Kizmann, 2023 BCSC 2168; and R. v. Dugas, 2023 BCSC 85.

[78] Counsel for Mr. Sohi submits that in many of the cases relied upon by the Crown, the offenders were found to be mid-level traffickers, persons with prior and related criminal records and/or persons who possessed firearms in the face of pre-existing prohibitions. In particular, counsel for Mr. Sohi argues that in cases where the courts have imposed consecutive sentences in relation to indictments with drug and gun offences, there is usually some aggravating factor that is present in those cases, which is absent in the case at bar.

[79] In determining a fit sentence, I found the Bridgen case to be instructive. In Bridgen, relied upon by the Crown, the offender was forty years old at the time of sentencing, unmarried and had no prior criminal record. He was sentenced to three years in jail in relation to four counts of drug trafficking, including fentanyl. That sentence was upheld on appeal. I note that in Bridgen, the total street value of the drugs was similar to the case at bar, and the offender was found to be a low-level or mid-level drug trafficker.

Gravity of the Offences

[80] In terms of gravity of the offences, Mr. Sohi has pled guilty to exceedingly serious offences. He was involved in a dial-a-dope drug trafficking operation and there was a large quantity and variety of hard drugs found in the vehicle to which he had unfettered access. The substances included fentanyl mixed with other substances including benzodiazepine. He also armed himself with a loaded handgun, stored in his vehicle, at the ready. The lethality of both the drugs trafficked, and the firearm itself, places these offences at the upper end of seriousness which attaches to low-level drug trafficking offences.

Moral blameworthiness

[81] Mr. Sohi's degree of moral culpability is also high. He knew that he was trafficking in fentanyl, a highly toxic substance, during a period when it was widely known that fentanyl was causing overdose deaths in B.C. and across the country. His conduct was planned and deliberate. Despite a good upbringing, he made a conscious decision to prioritize profit over the lives and safety of members of his community. His conduct showed a concerning level of disregard for human life.

Consecutive or Concurrent Sentences

[82] As mentioned above, in cases such as Borecky, Kim and Harmes, courts have imposed concurrent sentences for drug and gun offences even in circumstances much more aggravated than those in the case at bar.

[83] Turning to the particular facts of this case, the evidence establishes that Mr. Sohi's possession of the firearm was a part of the drug trafficking endeavour. Under the heading "weapons", in the expert report referenced by defence counsel, the report writer, Cst. Bezaire, identifies the firearm as part of the dial-a-dope scheme:

Drug traffickers often carry weapons to protect themselves from the inherent risks of the nature of drug trafficking. In this case, officers located a fire arm in the centre console void of the Honda Civic. I believe SOHI and DYAL were in possession of this firearm to protect themselves in the case they are robbed by a customer or rival drug trafficker. [sic]

[84] The presence of weapons is often cited by experts as corroboration of the dial-a-dope operation. As stated by the Crown, firearms are often considered "tools of the trade" in the overall endeavour of dial-a-doping.

[85] If the mere presence of "different legally protected interests" was the controlling factor in cases such as this one, then consecutive sentences would become the default sentence any time an offender was charged with drug offences and firearms offences. As Justice Hinkson (as he then was) noted in Borecky, this cannot be the law. If, despite the presence of different legally protected interests, the other sentencing factors support a finding that the acts constituting the offence "were part of a linked series of events within a single

endeavour" then the sentencing judge can confidently impose a concurrent sentence.

[86] In the case at bar, the drugs and guns were found at the same time and in the same location. The expert evidence established that the presence of the gun, in close proximity to the delivery drivers in a dial-a-dope operation, was part and parcel of this specific activity. I find that the illegal drug and firearm possession was part of a series of events within a single endeavour.

[87] Mr. Sohi, while still fixed with a high level of moral blameworthiness, is also a first-time offender. He was not subject to a previous firearms prohibition at the time of his offending. I also find that he was a relatively unsophisticated participant in what the police expert found to be a low-level dial-a-dope operation. While this conduct is serious and subject to significant moral opprobrium, I do not find that the imposition of a concurrent sentence would undermine the principles of denunciation and deterrence in any way.

[88] A balancing of the applicable sentencing principles and the aggravating and mitigating factors leads me to a conclusion that a sentence at the upper end of the Smith range is appropriate in this case. Further, as I have determined that a consecutive sentence is not necessary in this particular case, I must ensure that the aggravating presence of a loaded firearm is given the appropriate weight in terms of its inflationary effect on what is an appropriate sentence for the drug offences set out in Count 1. As a result, I find that an appropriate sentence in this case is one which is in excess of the 36-month guideline established in Smith.

Disposition

[89] Crafting the appropriate sentence in any case is a difficult exercise. It involves a careful examination of the circumstances of the offence and the nature and severity of the offender's conduct, together with his personal aspects.

[90] Mr. Sohi, may I ask that you please stand.

[91] Balancing all of the relevant factors, I am of the view that a global sentence of four (4) years is a proportionate, fit and proper sentence. This sentence serves to denounce Mr. Sohi's conduct and to deter him and others from engaging in such reprehensible conduct in the future. It also shows restraint and provides him with an opportunity to rehabilitate himself and take the next step toward a pro-social future. The sentence imposed is as follows

· Count 1: I sentence you to four (4) years in jail for possession of cocaine, methamphetamine, fentanyl and benzodiazepine for the purpose of trafficking.

· Count 4: I sentence you to three (3) years in jail for possession of a loaded Glock pistol without being the holder of an authorization or license, to be served concurrent to the sentence imposed on Count 1.

· Counts 5 and 6: I sentence you to three (3) years in jail for possession of the Glock pistol knowing you were not the holder of a license (Count 5) and three years for carrying it for a purpose dangerous to the public peace (Count 6), both of which are to be served concurrent to the sentence imposed on Count 4.

· Count 7: I sentence you to two (2) years in jail for storing a firearm in a manner contrary to regulation, to be served concurrent to the sentence imposed on Count 4.

[92] In addition, there will be the following ancillary orders:

a) pursuant to s. 109(2) of the Code, you are prohibited from possessing any firearm, cross-bow, restricted weapon, ammunition or explosive substance for a period of ten years; and you are prohibited from possessing any prohibited firearm, restricted firearm, prohibited weapon, prohibited device and prohibited ammunition for life;

b) pursuant to s. 487.051(3)(b) of the Code, I make an order authorizing the taking of a sample of bodily substance from you, for the purpose of forensic DNA analysis and inclusion in the national DNA databank.

[93] I also grant the Crown's request for a Forfeiture Order pursuant to s. 16 of the CDSA, which is by way of a consent order.

[94] I also order that Mr. Sohi will pay the victim fine surcharge in the amount of $200 per count. The total fine payable will be $1000. Mr. Sohi will have 24 months to pay.

[95] Finally, pursuant to s. 743.2 of the Code, I order that a copy of these reasons for sentence together with a copy of the trial reasons be forwarded to the Correctional Service of Canada.

[96] Finally, I wish to thank both counsel for their excellent and thorough submissions.

"Gottardi J."

[1] As reflected in amended Count 1. These offences are reflected in Court File No. 86103-3, which was amended on July 21, 2025, pursuant to the Order of Madam Justice Hoffman.

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Prepared on 30 October 2026 · Esheria