

Citation: *R. v. Sanddar*, 2026 YKTC 8

Date: 20260216
Docket: 24-00606A
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before Her Honour Judge McLeod

REX

v.

DARIN MOHINDER HARNAM SANDDAR

Appearances:

Adrienne Switzer (by videoconference)
Jennifer A. Cunningham

Counsel for the Crown
Counsel for the Defence

This decision was delivered from the Bench in the form of Oral Reasons. The Reasons have since been edited without changing the substance.

REASONS FOR SENTENCE

[1] McLEOD T.C.J. (Oral): Mr. Sanddar, as you know, you have pleaded guilty to a number of offences, which include having in your possession a loaded rifle, a loaded restricted gun, and a large amount of cocaine for the purpose of trafficking. Also, you were not only breaching your previous weapons prohibition charge but also causing a great danger to the police officers who came to the house, the cottage, to arrest you on a warrant which was unrelated to anything that they knew was going on, although they had received some complaints about it.

[2] There were some issues, as I understand it, with respect to their *Charter* compliance, and I acknowledge those issues. At the end of the day, it would have been a decision for any trial judge as to whether, as the result of those issues, if you had managed to show the judge that your *Charter* rights had been breached as to whether the drugs and the guns would have been excluded as the result of those.

[3] Notwithstanding the process that you could have taken, you have chosen a different road, and I think that very much shows where you are in your life right now.

[4] You have been convicted of other offences shortly after being arrested in August on these charges, you were found guilty of very similar charges. That finding was only without the burden of having a previous set of such charges on your record and also having a lesser amount of cocaine on you, but very similar charges to the ones we are dealing with today.

[5] Drugs and guns have been found by the Supreme Court of Canada, endorsing a decision of the Ontario Court of Appeal, to be crimes of real crime — not just drugs alone, not just guns alone, but the two together — to enforce the maintenance of that lifestyle. Guns are there not to be just a piece of armour, but they are there to threaten and to kill. The mixture of guns and drugs, especially when the person who has those in his possession is addicted to various drugs, is a very dangerous combination, and it is for that reason that the sentencing range is are incredibly high.

[6] In all, I have to sentence you for the seriousness of the offence and the moral responsibility of you as an offender, and I take into account your background. You are

now in your 40s. You have children and you have grandchildren to whom it seems to me that you owe a huge obligation to show to them that you can be a responsible adult.

[7] The death of your father, no doubt, was an incredibly troubling event in your life, but do not let it be the excuse for continuing to commit crimes. Let that be the motivation — the feeling that you have of being deprived of a father — let that be the motivation to remain to be a father for your children and grandchildren as long as you possibly can.

[8] My deepest condolences about the loss of your brother. It is obviously an early age to lose a sibling, and I am hoping that, again, once you have been able to absorb that, that you will want to make your brother's memory proud.

[9] Specific deterrence, that is one of the sentencing principles. I have to impose a sentence that sends the message to you that the more you commit crimes, the more you lose your freedom for a longer period of time. I also have to send a message to the public that the more somebody commits crimes (guns and drugs), the longer the sentence because it has to be an example to the public and a deterrent not to commit such crimes.

[10] I also have to look at totality, and that is I know you are serving a sentence right now of 40 months. I know how the numbers are juggled in the penitentiary, and I know that this will be added to those numbers that you are serving and your parole will be worked out by the authorities who know a great deal more about parole numbers than I ever did or do.

[11] I acknowledge the strength of your guilty plea, I acknowledge your obvious remorse, and I acknowledge the insight that you have brought to telling me how you are feeling about what you have been doing. For all of those reasons, plus the fact that you have saved an enormous amount of court time — there were motions that could have lasted for a very long time and taken up court time in a small community that desperately needs that court time for other issues — I appreciate all of that and in accepting this joint submission, I am acknowledging that.

[12] The joint submission is one that I must accept unless I believe the administration of justice would be brought into disrepute, and I do not believe it will be by looking at you — the person you are now rather than the person you were, the work that you have done, and the totality of your sentence.

[13] On all offences except the s. 117.01 (the breach of your weapons prohibition) and the possession of stolen property, there will be a sentence of four years on each count, concurrent, running the same time to each other.

[14] On the possession of stolen property, there will be a sentence of one year concurrent.

[15] On the s. 117.01, the breach of your prohibition order, there will be a sentence of one year concurrent.

[16] So, everything upon which you have been sentenced today will run concurrent to each offence but will be consecutive to the sentence you are presently serving, thus an additional four years.

[DISCUSSIONS]

[17] That sentence will be added to whatever remnant you have on your sentence: it will be consecutive to the sentence you are presently serving at the institution.

[18] In addition, pursuant to s. 109 of the *Criminal Code*, I am imposing a further weapons prohibition on you of any weapons, firearms, ammunition, or explosive substances for life.

[19] Furthermore, you will have to submit, at the officers' demand, to provide to the officers a sample of your DNA, which probably you have done already and they will just check the records and waive it, but I have to impose it.

[20] The one question that I have is, is there any application for forfeiture?

[21] MS. SWITZER: Yes. Well, we didn't discuss this but forfeiture of the cash — the firearms will be — yes, the Crown is seeking forfeiture. The drugs are automatically forfeited.

[22] THE COURT: Okay. And the firearms?

[23] MS. SWITZER: The firearms, the Crown is seeking forfeiture of those firearms from Mr. Sanddar.

[24] THE COURT: Okay. Thank you. You will prepare the forfeiture order, Ms. Switzer?

[25] MS. SWITZER: Yes.

[26] THE COURT: Thank you.

[27] And the other charges against this gentleman?

[28] MS. SWITZER: The Crown withdraws those.

[29] THE COURT: And in terms of the victim surcharge, that will be waived because you are in custody, sir.

McLEOD T.C.J.