In the Court of Appeal of Alberta

Citation: R v Khaira, 2026 ABCA 370

Date: 20261120
Docket: 2501-0309A
Registry: Calgary

Between:

His Majesty the King

Appellant

- and -

Karanbir Singh Khaira

Respondent

The Court:

The Honourable Justice Jane Fagnan
The Honourable Justice April Grosse
The Honourable Justice Alice Woolley

Memorandum of Judgment
Delivered from the Bench

Appeal from the Sentence by
The Honourable Justice J.D. Bascom
Sentenced on the 21st day of October, 2025
(Docket: 240395772P1)

Memorandum of Judgment
Delivered from the Bench

The Court:

[1] The respondent was sentenced to a conditional sentence of 21 months less a day for cocaine trafficking (contrary to s 5(1) of the *Controlled Drugs and Substances Act*, SC 1996, c 19) and a consecutive conditional sentence of 3 months for possession of a firearm knowing he did not have a license to possess it (contrary to s 92(1) of the *Criminal Code*, RSC 1985, c C-46).

[2] The appellant submits the sentencing judge did not recognize the gravity of the offences in failing to recognize a link between the firearm possession and the drug trafficking.

[3] The appellant concedes that each of the sentences imposed was within the range for that offence if the offences were not connected. The appellant also concedes the range for possession of the non-restricted, non-prohibited firearm knowing the respondent was not the holder of a license, on its own, would be as low as a fine.

[4] The sentencing judge was clearly cognizant of the arguments presented by counsel regarding the degree to which the presence of the firearm in the closet was, or was not, linked to drug trafficking. The appellant's argument boils down to an assertion the judge should have found a connection or a greater connection between the presence of the firearm and the drug trafficking so as to compel a higher sentence for the gun offence.

[5] The sentencing judge declined to draw inferences from an agreed statement of facts that would align with the Crown's assertion. This is an alleged error of fact. The onus was on the Crown to establish aggravating facts beyond a reasonable doubt. The record permitted the sentencing judge to find as he did. The appellant has not established any palpable and overriding error underlying the three-month conditional sentence for the gun offence in the circumstances.

[6] Permission to appeal is granted. The appeal is dismissed

Appeal heard on November 17, 2026

Memorandum filed at Calgary, Alberta
this 20th day of November, 2026

Fagnan J.A.

Grosse J.A.

Woolley J.A.

Appearances:

L. Cammack
R. Shafaq
for the Appellant

A.A. Sanders
for the Respondent