

**IN THE HIGH COURT OF NEW ZEALAND
DUNEDIN REGISTRY**

**I TE KŌTI MATUA O AOTEAROA
ŌTEPOTI ROHE**

**CRI-2024-012-228
[2026] NZHC 574**

THE KING

v

RAJINDER

Hearing: 1 April 2026
Appearances: R D Smith and Z E Kellam for Crown
M A Stevens KC for Defendant
Judgment: 1 April 2026

SENTENCING NOTES OF DUNNINGHAM J

[1] Rajinder, you are here for sentence today having been found guilty of the murder of Gurjit Singh.¹

[2] As you have heard, you must be sentenced to life imprisonment. The key issue for me is what the minimum period of imprisonment (MPI) should be and even there, there is not much difference between what the Crown and your lawyer propose. There is also a minor question as to whether I should make a firearms prohibition order and an order for payment of reparation.

[3] I want to start, however, by outlining the facts of the offending as these form the starting point for sentencing.

¹ Crimes Act 1961, s 172; maximum penalty life imprisonment.

[4] Both you and your victim, Gurjit Singh, are Indian born and are Sikhs. You both came to New Zealand to live and work some years ago. You knew Mr Singh because you employed him as a technician in your fibre-installation business. You later assisted Mr Singh to go out as an independent contractor installing fibre on his own account in late 2022. After Mr Singh finished his employment with you, there was minimal evidence of contact between you and no known conflict.

[5] In terms of a motive for what happened on the night of 28 January 2024, only you will know why you killed Mr Singh. To the pre-sentence report writer you admitted for the first time being at Mr Singh's place that night and being involved in the altercation where Mr Singh was killed. However, I otherwise reject entirely the account you gave, which is that you went to his address with a knife and you did not want to kill him, you simply wanted to talk to him and clear the air because you thought he had deliberately been ignoring you. The suggestion that you presented the knife to Mr Singh expecting him to kill you and then, presumably, resisted his attempts to do so, is quite implausible. It is yet another lie from you to deflect responsibility for your crime.

[6] In my view, the most likely motive for your killing was not jealousy but rather the desire to punish Mr Singh and his new wife, Kamaljeet Kaur because, from your perspective, she rejected an arranged marriage with you saying she wanted to stay in India and then, soon after, you found out she married your protégé, Mr Singh and was to come to New Zealand to live with him. However, whatever the motive was, it makes little difference for the purpose of sentencing you today.

[7] Your decision to murder Mr Singh was not done on the spur of the moment. Your Apple iPhone internet search history shows you looked for Mr Singh's address on the OneRoof website on 21 December 2023, more than a month before his murder. Given your lack of contact with Mr Singh over the previous year, the genesis of your plan to harm Mr Singh began at this time.

[8] However, the rest of the evidence of planning relates to what you did on the day of the murder. You again searched Mr Singh's address online and identified a route to that address that would avoid busy roads. That afternoon you purchased

gloves from Bunnings Warehouse, and a hunting knife and black neck gaiter from Hunting and Fishing. Each of these purchases was designed to facilitate the murder, whether as a weapon or to disguise your face or to avoid leaving forensic evidence.

[9] Mr Singh returned to his home at around 10.30 pm on the evening of 28 January after socialising with friends.² Not long after he returned home, you confronted him inside his house, armed with the knife. A struggle ensued where you stabbed him before he was either pushed or he fell through a large full-length window. He then landed on the concrete landing and decking area below the window. This almost certainly happened at around 10.50 pm because that is when the last activity was recorded on Mr Singh's cell phone and when a neighbour sent a text saying he had just heard the sound of breaking glass.

[10] You then continued the attack on Mr Singh outside the house, repeatedly stabbing him before cutting his throat in an attempted decapitation. The medical evidence in this regard was chilling. Mr Singh suffered from at least 46 sharp force injuries, including a large wound severing his neck down to the bone with evidence of five separate parallel cuts into the front of the cervical spine, suggestive of a sawing motion. The intensity of the struggle was also evident from the defensive injuries Mr Singh suffered to his hands and arms, and from the fact that strands of your hair were found in his hands.

[11] During the struggle you suffered a cut to the flesh between your thumb and forefinger. The thumb stall of the glove you were wearing was likely ripped when you received this cut and was found at the crime scene.

[12] You then took a number of steps to dispose of evidence and to create a false alibi. After the murder, you and your wife drove south through Mosgiel which you explained as a late-night driving lesson. You travelled the following morning to the Downer's yard to dispose of incriminating items. You also took your car to be professionally valeted, although not all the forensic evidence was removed. You also had your wife take the shoes you wore on the night of the murder to her work to dispose of them.

² As ascertained from analysis of GPS data on his cell phone.

[13] When you were interviewed by police on 31 January 2024, you gave a false account of how you obtained the injury to your hand. You said it was caused when chain sawing trees and that you had aggravated it the previous week at work which is why it was now bandaged.

[14] When you were later confronted with the evidence from CCTV footage that the wound was not there on the afternoon of 28 January, you changed your story to injuring yourself while riding your bike near Waipori Falls in the early hours of the morning on 29 January 2024. That, too, was clearly a lie.

Impact on victims

[15] I now want to turn to the impact your crime has had. In that regard, we heard today the moving and thoughtful victim impact statements from Mr Singh's parents, his three sisters and his wife.

[16] Mr Singh was the only son of four children and as an only son yourself, you must appreciate the responsibility that fell on his shoulders as the only son in a traditional Sikh family. His family made huge financial sacrifices to support their son coming to New Zealand to better himself—and better himself he did. His family rightly expected to reap the benefits of their sacrifices in their old age and that has been taken from them.

[17] But their loss is not just a financial loss, it is of a loss of a loving and dutiful son, brother and, more recently, a husband. Mr Singh's parents describe their son as someone who lived with "dignity, compassion and kindness", and say "He came from nothing and created something truly meaningful with his life." They eloquently describe his loss as a "permanent and devastating wound".

[18] Similarly, his wife is devastated by his death. One of the most poignant moments in the trial was to hear her grief as she explained how she was all packed and ready to come to New Zealand, when she learnt that her husband had been murdered. She says her marriage was a relationship built upon "deep understanding, trust and genuine affection". She is now paralysed by grief. Sadly, she also has to face the

stigma of being a widow at a very young age which only increases the hardship for her.

[19] I also know your own family has been adversely affected by your crime from the letters they have written to me. It is, therefore, no exaggeration to say your crime has destroyed two families. However, you chose to risk the effects which have befallen your family. Mr Singh never did anything to warrant the devastating effects that befell his family.

Pre-sentence report

[20] In terms of information about you, I have the pre-sentence report that I have already referred to. It did not reveal anything of great assistance to the sentencing exercise, except perhaps to reveal your arrogance in providing yet another implausible explanation for what happened on that night.

[21] The report does not reveal anything in your background which would explain the violent attack you perpetrated that night or which would make you less culpable for it. You have no prior history of violence, nor any factor which would suggest you are pre-disposed to acting violently.

Sentence

[22] So I turn now to sentence. In that regard, as you have heard, the provisions of the Sentencing Act 2002 determine that you must be sentenced to life imprisonment³ and, if the offending fits within a certain set of circumstances described in s 104, you must serve a minimum period of imprisonment of at least 17 years unless that would be manifestly unjust.⁴ Those circumstances include where the murder involves calculated or lengthy planning,⁵ involves the unlawful entry or unlawful presence in a dwelling place,⁶ or was committed with a high level of brutality, cruelty, depravity or callousness.⁷

³ Sentencing Act 2002, s 102(1).

⁴ Section 104(1).

⁵ Section 104(1A)(b).

⁶ Section 104(1A)(c).

⁷ Section 104(1A)(e).

[23] I am satisfied that you unlawfully entered Mr Singh's home on the night of the murder. I am also satisfied, by some margin, that this murder was committed with a high level of brutality, given the number and type of wounds that I have described. There is a question, though, over whether the degree of premeditation and planning reaches the statutory threshold. However, to some extent, that is a moot point given my conclusion that you already meet that threshold.

[24] On balance, I accept that apart from looking up Mr Singh's address a month before the murder, the only hard evidence of planning and premeditation relates to what you did on the day of the murder. Having regard to the cases I was referred to by counsel, in particular the case of *Desai v R*, I accept this case comes near to, but does not quite reach the threshold for the level of premeditation and planning to warrant a 17 year MPI.⁸ It is, however, a significantly aggravating factor of your offending.

[25] I must then consider the appropriate MPI even if I was not required by s 104 to impose 17 years. In order to do this I compare your case to cases with similar aggravating features.⁹

[26] I have already identified three of the seriously aggravating factors of the offending, being the element of home invasion, the brutality of the attack and the degree of premeditation and planning. To that I add the impact on the victims. While any family will be devastated by the emotional toll of losing a loving and devoted son, brother and husband, there is here also the cultural element to that loss, being the loss of a culturally expected social and financial support structure.

[27] In setting the notional MPI, I consider the case of *Veā v R* and the two cases of *Smith*, which counsel have referred to me, have particular parallels.¹⁰

[28] Mr Veā, believing there was an inappropriate relationship between his wife and the victim, armed himself with a machete and entered the victim's house and lay in

⁸ *Desai v R* [2012] NZCA 534; *R v Boulter* [2026] NZHC 326; *R v Parrish* (2003) 21 CRNZ 571 (CA); *Thurgood v R* [2012] NZCA 23; *Smith v R* [2016] NZCA 617; *Kaur v R* [2017] NZCA 465.

⁹ *Davis v R* [2019] NZCA 40, [2019] 3 NZLR 43 at [25].

¹⁰ *Veā v R* [2020] NZCA 68; *Smith v R*, above n 8; and *R v Smith* [2016] NZHC 2581.

wait. When the victim returned he attacked him with the machete, striking him multiple times. Although Mr Vea heard the victim ask for help during the assault, he ignored that but watched him for two minutes before leaving and going home to tell his wife what he had done. A notional MPI of 17 and a half years was upheld on appeal.¹¹

[29] In the case of *R v Smith* cited by Mrs Stevens, there was a grievance between Mr Smith and the victim.¹² Mr Smith took a hammer and entered the victim's house waiting in the kitchen while the victim watched television. When the victim came into the kitchen he was confronted and hit on the head with a hammer, knocking him on the ground. There were then 24 blows inflicted on the victim's face, body and head. The sentencing Judge identified an element of premeditation by going to the victim's house with a weapon and waiting in the kitchen before attacking the victim and said that an MPI of 17 years or possibly higher would have been justified, but for a number of factors including a guilty plea, which would make that manifestly unjust and there the murderous intent was held to have been formed at the time of the confrontation which is a factor that is less serious than in your case.

[30] In the other case of *Smith v R* cited by the Crown, the appellant murdered his former partner following the end of their relationship.¹³ This involved a high degree of planning and premeditation using tools to get into and out of the roof space of the victim's house so he could lay in wait for her. After she had put her children and herself to bed, he emerged from the roof space and attacked her with a knife. A violent struggle ensued in which the victim suffered a number of defensive injuries, eventually dying from a fatal neck wound. The Judge determined a notional MPI of 18 to 19 years was appropriate, and reduced it to 17 years for the guilty plea, and that was not disturbed on appeal.

[31] I do also note the decisions in *R v Boulter*, where a notional 17 year MPI was imposed for a murder which involved a high degree of brutality.¹⁴ That was then uplifted to reflect his previous offending, which was not present here. That case also

¹¹ *Vea v R*, above n 10, at [15].

¹² *R v Smith*, above n 10.

¹³ *Smith v R*, above n 8.

¹⁴ *R v Boulter*, above n 8.

involved stalking and harassment of the victim which was not present here. Similarly, in *Singh v R*, a 17 and a half year MPI was upheld, and there, there was a lengthy period of harassment and threats to the victim before she was murdered in a planned and frenzied attack.¹⁵

[32] Having regard to all the cases, I am satisfied that a nominal period of imprisonment in the range of 17 to 18 years is available and I consider a notional MPI of 17 and a half years is required to reflect the unlawful entry into the dwelling house, the high degree of brutality, the extent of planning and premeditation, and the impact on the victim's family.

[33] Given this is not less than the MPI directed by s 104, I do not need to consider the question of whether it is manifestly unjust.

[34] Mrs Stevens then raised the following issues which she says I should take into account when sentencing you. These are:

- (a) your prior good character, pointing out that you had no prior convictions and had worked hard to support your family;
- (b) the fact you will suffer a degree of cultural dislocation as a result of imprisonment; and, finally
- (c) you should have the breach of your rights when your DNA sample was taken recognised in sentencing.

[35] You committed this crime at the age of 33, and I accept that up until then you had been a dutiful son and a law-abiding member of society, although I accept there was nothing more than that, that could be pointed to. Given the seriousness of this crime, I am not persuaded that the MPI should be reduced to reflect good character.¹⁶

¹⁵ *Singh v R* [2025] NZCA 546.

¹⁶ *Malik v R* [2015] NZCA 597 at [42].

[36] In terms of cultural dislocation, Mrs Stevens points out that although you have been in New Zealand since 2015 and have obviously been able to establish a successful life for yourself here, you have not assimilated into New Zealand society in the sense of having a circle of friends outside your own culture. Instead, your social circle is small, centering largely around family and the Indian Sikh community. It appears you are the only Sikh inmate in the Corrections facility where you are currently housed. While your sister remains in New Zealand and will be a support to you, you and your wife have separated and your father has returned to India and has serious health concerns, so cannot support you while you are in prison.

[37] I accept that prison will be harder for you as a consequence of these matters, although not materially so. You speak English well and, while prison will be isolating for you given the lack of family, that is a common experience for prisoners and is almost inevitably the consequence of committing a serious crime. I do not see it as warranting a reduction in the notional MPI.

[38] The final matter your counsel raises is whether there should be a further reduction to recognise there was a breach of your right to be free from unreasonable search. This issue arises because the Court found the police obtained a DNA consent sample from you unlawfully.¹⁷

[39] I accept there may be circumstances where a sentence can be reduced to recognise a breach of the New Zealand Bill of Rights Act 1990. That possibility was recognised in the case of *Winders v R*.¹⁸ However, in that case, despite there being “serious breaches” of Mr Winders’ right not to be unlawfully detained for questioning, the Court declined to reduce the sentence. This was because there was no evidence that the consequences involved any serious injustice or harm to him, and, in any event, in that case an MPI of 17 years was required because s 104 of the Sentencing Act applied.¹⁹

¹⁷ *R v Rajinder* [2025] NZHC 2049 at [62].

¹⁸ *Winders v R* [2018] NZCA 277.

¹⁹ At [73].

[40] In your case, you consented to give a sample of your DNA. The basis of Gwyn J's finding that the DNA sample was obtained unlawfully, was because at the time the police requested it, while you were a suspect, they lacked information that would have given a reasonable ground to believe that analysis of the sample would tend to confirm or disprove your involvement, as is required by statute.²⁰ Now, while the Judge's finding confirmed that a significant right had been breached, there was no finding that the police had acted in bad faith or deliberately breached the statutory requirements for requesting a sample and the Judge acknowledged the impropriety was at a low level. There is also no suggestion that you suffered any embarrassment, indignity, as a result of the breach, let alone any more serious harm.

[41] In these circumstances, and given the seriousness of the crime, I am not satisfied the breach warrants a reduction in the nominal MPI I selected.

[42] To summarise, despite these factors, I am satisfied that the nominal MPI I reached having regard to the aggravating features of the offending is the one that should apply to your sentence.

[43] The Crown have sought two further orders. The first is a firearms prohibition order.²¹ I can make such an order if I am satisfied, on the balance of probabilities, that the order is necessary, reasonable and appropriate to assist in managing the risk the offender poses to the public's safety.²² The effect of such an order is to prevent someone from accessing, possessing or using any firearm.²³

[44] I accept that although no firearm was used in the offending, you have demonstrated that you are capable of using a lethal weapon to deliberately take the life of another. In the circumstances, I am satisfied that you are someone who is a risk to public safety and should not have access to a firearm, so I will impose such an order.

²⁰ *R v Rajinder*, above n 17, at [61].

²¹ Mr Rajinder having been convicted of a specified violent offence as defined in s 4 of the Victims' Orders Against Violent Offenders Act 2014: Arms Act 1983, s 39A(1)(a)(ii).

²² Section 39A(2).

²³ Section 39B(1).

[45] The second more contentious issue raised by the Crown is whether an order to pay reparation should be made.²⁴ In advancing this argument the Crown points to the significant cash reserves you had in your bank account at least at the time of trial and the Crown says given your financial means, this would be an appropriate case to order that you pay reparation to the victim's family members, who have suffered emotional harm and financial loss as a result of your offending.

[46] I have been provided with a schedule of costs that Mr Singh's wife and family have incurred to travel to New Zealand and to resolve Mr Singh's estate.

[47] Mrs Stevens, however, points out that your financial position at trial is not your current financial position. It is affected both by your relationship property proceedings and the costs of your legal defence. In any event, as far as counsel can find, reparation has not ever been imposed in a case of murder. Furthermore, \$46,000 was raised to assist the deceased's family via a Give-A-Little campaign.

[48] I accept that your financial position has altered significantly since the evidence given at trial. I also accept that it would set a significant precedent if reparation was ordered to compensate for the emotional harm inflicted by the killing of a family member. If I ordered reparation, I would also need to reflect on whether that impacted on the sentence which should be imposed given that a requirement to pay significant reparation has a punitive and not just compensatory element. For a serious crime such as this I have concerns that a defendant of means could receive a lesser sentence because of an order to pay significant reparation. For this reason, I am not prepared to order reparation for emotional harm.

[49] However, I am satisfied that the immediate family have incurred specific costs as a result of your crime and to order payment to cover those losses is a separate consideration from imposing a sentence to punish your crime. I do not consider the fact the family have received money from a Give-A-Little page changes that obligation. Their direct and indirect financial loss is clearly much greater than the specific costs being claimed. This will include funeral costs and the loss of the

²⁴ Sentencing Act, s 32(1).

financial support they could have expected from Mr Singh as a husband and son, and there is no double recovery.

[50] The reparation I will order to compensate Mr Singh's wife and parents for the specific costs they have incurred as a consequence of Mr Singh's death and which were not covered by Victim Support Services, are \$3,236 to his parents and \$5,035 to his wife.²⁵

[51] Rajinder, would you please stand.

[52] On the charge of murder, I sentence you to life imprisonment with an MPI of 17 and a half years.

[53] I make a Firearms Prohibition Order under s 39A of the Arms Act 1987.

[54] Finally, I order payment of \$3,236 in reparation to Nishan Singh, the deceased's father and \$5,035 in reparation to Kamaljeet Kaur, the deceased's wife, being a total of \$8,271.

[55] You may stand down.

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²⁵ Being the total of claims made for losses incurred by the deceased's "immediate family" as defined in the Victims' Rights Act 2002.