

Ontario Court Grants Stay of Proceedings After Defence Led by Jag Virk Exposes Crown's Delay Missteps

BRAMPTON, ONTARIO, CANADA, December 3, 2025 /EINPresswire.com/ -- Defence lawyer Jag Virk has secured a significant courtroom victory after the Superior Court of Justice granted a stay of proceedings for his client (Reference Number: 2025 ONSC 5448), Jonathan Pardassie, due to excessive delays caused by the Crown. The ruling affirms the constitutional right to be tried within a reasonable time under Section 11(b) of the Canadian Charter of Rights and Freedoms.

The ruling, released by Justice D.E. Harris marks a powerful affirmation of the protections guaranteed under Section 11(b) of the Canadian Charter of Rights and Freedoms.

Background of the Case

The case centred on firearm-related charges laid against Jonathan in January 2022. A trafficking charge was also initially part of the prosecution, but it was later withdrawn. The trial was scheduled for December 2025, resulting in a delay nearly four years after the charges were laid. The defence argued that this delay far exceeded the Jordan ceiling of 30 months for two-stage criminal proceedings.

Ultimately, the outcome of the case was determined not by evidence strength, but by

- The Crown's prolonged delays
- Indecision on key prosecutorial steps
- Failure to act swiftly when the case was already in serious Jordan jeopardy.

Strategic Move by Jag Virk

From the very beginning, defence counsel Jag Virk took firm, strategic steps to safeguard his client's constitutional rights. As disclosure delays and scheduling issues started accumulating, Jag ensured that the defence remained cooperative, transparent, and prepared, while consistently raising the concern that the case was drifting far beyond the acceptable timelines set by the Supreme Court in *R v. Jordan*.

The Turning Point: Crown Delay on the Trafficking Charge

A key turning point came from how the Crown handled the drug trafficking charge, which initially entitled Jonathan to a preliminary hearing. During a pre-trial in November 2023, the Crown indicated that they “expected” to withdraw the drug charge and proceed only on a possession count—an action that would remove the right to a preliminary inquiry.

Despite signalling this expected withdrawal, the Crown did not follow through. Instead, a preliminary hearing was scheduled, and months passed without the Crown confirming its decision.

Justice Harris found that the Crown’s indecision, delays, and vacillation directly caused significant and unnecessary postponements. What should have been a clear and decisive prosecutorial step was instead drawn out over almost six months, during a time when every additional day worsened the looming delay problem. As Justice Harris emphasized, the defence had no control over when or how the Crown chose to withdraw a charge, and could not be blamed for proceeding based on the charges that were actually before the court.

Final Withdrawal & Delay Calculation

When the charge was finally withdrawn in May 2024—nearly five months after the Crown first indicated it might do so—the damage had already been done. Virk successfully demonstrated that:

- These delays were entirely outside the defence’s control
- His client (accused) had acted reasonably at every stage
- The Crown’s conduct alone pushed the timeline well beyond acceptable limits

The Court agreed. Justice Harris concluded that at least six months of delay were solely attributable to the Crown’s mishandling, pushing the net delay well past the 30-month Jordan ceiling. Even further analysis showed that total Crown-caused delays extended the timeline to more than 37 months, making a stay of proceedings not only justified, but required under the law.

The Court ruled decisively in favour of the defence, granting a stay under Section 24(1) of the Charter.

Why This Case Matters

This outcome underscores the importance of decisive, strategic defence advocacy—something that has long defined Jag Virk’s approach to criminal law. His meticulous focus on constitutional rights, prosecutorial accountability, and timely justice played a decisive role in securing this result.

As delays continue to challenge the justice system across Canada, this case stands as a reminder

that defence counsel must remain vigilant and that courts will not tolerate complacency when an accused person's fundamental rights are at stake.

About Jag Virk

With over 20 years of experience, Jag Virk is Ontario's leading Criminal Defence Lawyer, who is known for high-profile cases. As the founder of Jag Virk Criminal Lawyers, he and his team provide strong, strategic defence for a wide range of charges across the province. The firm supports clients at every stage, including arrests, bail hearings, trials, appeals, and more, along with 24/7 assistance. Learn more at jagvirklawyers.com.

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